



## "The City with a Heart"

Rico Medina, Mayor  
Linda Mason, Vice Mayor  
Tom Hamilton, Councilmember  
Marty Medina, Councilmember  
Michael Salazar, Councilmember

### AB-361 CORONAVIRUS COVID-19

*On September 16, 2021, the Governor of California signed AB-361 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the CDC's social distancing guidelines which discourage large public gatherings, the San Bruno City Council meetings are being conducted electronically. The meeting is not available for in-person attendance. Members of the public may attend the meeting by video or phone linked in this agenda or watch by livestream at [youtube.com/user/cityofsanbruno](https://www.youtube.com/user/cityofsanbruno). CityNet Services Channel 1 will air the meeting live and the recorded meeting will be made available for viewing on the City's YouTube channel after the meeting has concluded.*

*If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, please email [cityclerk@sanbruno.ca.gov](mailto:cityclerk@sanbruno.ca.gov). Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City's website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet becoming part of the public record for that meeting. Emails received will not be read aloud during the meeting.*

*Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact the City Clerk 48 hours prior to the meeting at (650) 616-7070 or by email at [cityclerk@sanbruno.ca.gov](mailto:cityclerk@sanbruno.ca.gov). Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.*

## AGENDA SAN BRUNO CITY COUNCIL April 26, 2022 7:00 PM

### **Zoom Meeting Details**

[https://sanbruno-ca-gov.zoom.us/j/82301667112?  
pwd=eVN1YWRoVUduUnZNZNa3RCQVpxRGRZUT09](https://sanbruno-ca-gov.zoom.us/j/82301667112?pwd=eVN1YWRoVUduUnZNZNa3RCQVpxRGRZUT09)

**Webinar or Meeting ID: 823 0166 7112**

**Webinar or Meeting Password: 134032**

**Zoom Phone Line: 1-669-900-9128 (same webinar ID and password  
as above)**

City Council meetings are conducted in accordance with Roberts Rules of Order. All regular Council meetings are recorded and televised on CityNet Services Channel 1 and replayed the following Thursday, at 2:00 pm.

1. **CALL TO ORDER**
2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Individuals allowed three minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendaized pursuant to State Law.

5. **ANNOUNCEMENTS/PRESENTATIONS**

- a. San Bruno is happy to partner with Recology San Bruno again for the Spring 2022 Community Clean Up Event (Drop Off) at 975 Sneath Lane. The drop off event will be held on May 14 from 8:00 a.m. to 11:00 a.m. at 975 Sneath Lane, and is a selfserve drop off, where residents will be required to unload their vehicles. Residents limited to 3 cubic yards per vehicle, and can include bulky items, ewaste, appliances, bags of garbage. Dirt, rock and concrete will not be accepted. Visit [sanbruno.ca.gov](http://sanbruno.ca.gov) for more information.
- b. Save the date! The San Bruno Lions Club's Posy Parade and City of San Bruno's Community Day will be held on June 5, 2022. The Parade will begin at 11:00 a.m. followed by Community Day at 12:00 p.m. on San Mateo Avenue.
- c. The State of the City Address is scheduled for April 28, 2022 at 5:30 p.m. The presentation will be made LIVE via zoom. More information is available on the City's website at [sanbruno.ca.gov](http://sanbruno.ca.gov).
- d. Receive Presentation from the San Bruno Community Foundation on the Listening Campaign 2.0

6. **CONSENT CALENDAR**

All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion, unless requested.

- a. Approve the Draft Special and Regular Meeting Minutes for the Meetings of April 12, 2022
- b. Approve Accounts Payable for April 11 and April 18, 2022
- c. Accept Payroll for April 10, 2022
- d. Waive Second Reading and Adopt an Ordinance Repealing Chapter 10.21 of the San Bruno Municipal Code and Adopting a new Chapter 10.21 Regulating the Use of Disposable Food Service Ware by Food Facilities
- e. Adopt Resolution Approving Agreement between the City of San Bruno and the Fire Bargaining Unit and Authorizing Execution by the City Manager
- f. Receive Written Update on the City's Response Efforts to COVID-19

7. **CONDUCT OF BUSINESS**

- a. Adopt Resolution Authorizing the City Manager to Execute On-Call Agreements for Project Management Services with CSG Consultants, Inc., Swinerton Management & Consulting, and West Yost Associates, Inc. in Amounts Not to Exceed \$1,000,000 for the First Year and Two Additional Optional Years at \$1,000,000 Each Totaling \$3,000,000 for Each Firm, for a Total Amount of \$9,000,000 for a Total Three-Year Term
- b. Adopt Resolution Authorizing the City Manager to Execute an Agreement with Wells Fargo Bank N.A. for General Banking and Merchant Card Services
- c. Waive Second Reading and Adopt Ordinance (Chapter 2.52) Regarding Police Department Acquisition and Use of Military Equipment

8. **COMMENTS FROM COUNCIL MEMBERS**

a. Linda Mason:

- Recreation and Aquatic Center Committee Update

9. **ADJOURNMENT** – The next Regular City Council Meeting will be held on May 10, 2022 at 7:00 p.m.



**“The City with a Heart”**

Rico Medina, Mayor  
Linda Mason, Vice Mayor  
Tom Hamilton, Councilmember  
Marty Medina, Councilmember  
Michael Salazar, Councilmember

**MINUTES**  
**SAN BRUNO CITY COUNCIL SPECIAL MEETING**  
**April 12, 2022**  
**6:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL** – Councilmembers Hamilton, Medina, Salazar, Vice Mayor Mason and Mayor R. Medina were all present
3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no speakers during public comment.

4. **CLOSED SESSION**
  - a. Conference with Labor Negotiators Pursuant to Gov't Code Section 54957.6  
Agency Designated Representatives: City Manager  
Employee Organizations: Mid-Management Unit, Public Safety Mid-Management Bargaining Unit, San Bruno Police Bargaining Unit, San Bruno Professional Firefighters Association, Miscellaneous Bargaining Unit, San Bruno Management Employees Association

There was no reportable action taken.

5. **ADJOURNMENT** – The meeting adjourned at 6:55 p.m.

The next Regular City Council Meeting will be held on April 12, 2022 at 7:00 p.m.

These meeting minutes were prepared by Vicky S. Hasha, Deputy City Clerk for approval at the regular meeting of April 26, 2022.

---

Vicky S. Hasha  
Deputy City Clerk

---

Rico E. Medina  
Mayor



**“The City with a Heart”**

Rico E. Medina, Mayor  
Linda Mason, Vice Mayor  
Tom Hamilton, Councilmember  
Marty Medina, Councilmember  
Michael Salazar, Councilmember

## **MINUTES**

### **SAN BRUNO CITY COUNCIL**

**April 12, 2022**

**7:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL/PLEDGE OF ALLEGIANCE** – All Councilmembers were present.

**3. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

The following members of the public spoke during public comment:

- Pam Hemon – Spoke opposing the closure of the Mickelson Therapy Pool in San Mateo.

**4. ANNOUNCEMENTS/PRESENTATIONS**

- a. San Bruno is happy to partner with Recology San Bruno again for the Spring 2022 Community Clean Up Event (Drop Off) at 975 Sneath Lane. The drop off event will be held on May 14 from 8:00 a.m. to 11:00 a.m. at 975 Sneath Lane, and is a self-serve drop off, where residents will be required to unload their vehicles. Residents limited to 3 cubic yards per vehicle, and can include bulky items, e-waste, appliances, bags of garbage. Dirt, rock and concrete will not be accepted. Visit [sanbruno.ca.gov](http://sanbruno.ca.gov) for more information.
- b. Please share your input as the City of San Bruno updates the current Housing Element! Your participation in the process is essential in helping understand and address housing needs in the San Bruno community – please take the survey at [sanbruno.ca.gov/HousingElementSurvey](http://sanbruno.ca.gov/HousingElementSurvey).
- c. Please share your input on the City of San Bruno Safe Routes to School Plan! Please take a few minutes to go online and learn more about the project and complete the survey by providing feedback on getting to and from school in San Bruno. Visit the project website at [sanbruno.ca.gov/SafeRoutes](http://sanbruno.ca.gov/SafeRoutes).
- d. Issue Proclamation Announcing April 2022 as National Poetry Month.
- e. 2022 Update from the San Mateo County Mosquito and Vector Control District.

**Casey Stevenson, San Mateo County Mosquito and Vector Control District Operation Director**, presented the update.

**5. CONSENT CALENDAR**

**Rico E. Medina, Mayor**, announced that Item 6.a. under Conduct of Business was to be moved to the Consent Calendar.

**Linda Mason, Vice Mayor**, requested to remove the March 29, 2022 meeting minutes from consideration until a review of the recording can be completed.

M/S to approve the Consent Calendar, excluding the meeting minutes of March 29, 2022 and including Item 7.a. **Motion carried unanimously by roll call vote.**

- a. Approve Accounts Payable for March 21, March 28, and April 4, 2022.
- b. Accept Payroll for March 13 and March 27, 2022.
- c. Approve Investment Report and Reconciliation of General Ledger to Bank Report dated February 28, 2022.
- d. Approval the Draft Special and Regular Meeting Minutes for the Meetings of March 22 and March 29, 2022.
- e. Receive Written Update on the City's Response Efforts to COVID-19.
- f. Adopt Resolution Authorizing the City Manager to Execute an Agreement with Badawi & Associates for Professional Auditing Services for Fiscal Years Ending June 30, 2022 through 2024 for an All Inclusive Fee of \$139,005.
- g. Adopt Resolution Declaring the Continued State of Local Emergency and Need for the City Council and Other Legislative Bodies Subject to the Ralph M. Brown Act to Continue to Teleconference in Order to Ensure the Health and Safety of the Public Pursuant to AB 361.
- h. Adopt Resolution Related to the Emergency Replacement of the San Bruno Senior Center Chiller Unit:
  - Ratifying the Emergency Replacement Declaration of the Chiller Unit at the San Bruno Senior Center Authorized by the City Manager on March 30, 2022;
  - Waiving Competitive Bidding Requirements Pursuant to State Law and the San Bruno Municipal Code Due to the Existence of an Emergency;
  - Authorizing the City Manager to Execute Necessary Contracts to Mitigate the Emergency and to Appropriate Such Funds from the Building and Facility Fund Balance.
- i. Adopt Resolution Approving Agreement between the City of San Bruno and the Police Bargaining Unit and Authorizing Execution by the City Manager.

## 6. **CONDUCT OF BUSINESS**

- a. Waive First Reading and Introduce an Ordinance Repealing Chapter 10.21 of the San Bruno Municipal Code and Adopting a new Chapter 10.21 Regulating the Use of Disposable Food Service Ware by Food Facilities.

**This item was moved to the Consent Calendar.**

- b. Receive Report on 15 MPH Speed Limit Signs on School Zones.

**Hae Won Ritchie, Public Works Deputy Director**, presented the report.

The following members of the public spoke regarding the item:

- Jennifer Blanco – Spoke in support of slower speeds near schools.
- Paul Wapensky – Spoke with questions regarding police enforcement costs.

Discussion item only. No motion taken.

- c. Appointment of Two City Councilmembers to an Ad Hoc Subcommittee for Public Opinion Poll Research Related to Potential November 2022 City-sponsored Ballot Measures.

**Jovan Grogan, City Manager**, presented the report.

A majority of the City Council approved the creation of an ad hoc subcommittee for this topic.

**Marty Medina, Councilmember and Linda Mason, Vice Mayor**, volunteered to serve on the ad hoc subcommittee.

## 7. PUBLIC HEARING

- a. Hold Public Hearing and Adopt Resolution Adjusting the Master Fee Schedule to be effective on July 1, 2022.

**Qianyu Sun, Finance Director**, presented the report.

**Rico E. Medina, Mayor**, opened the public hearing.

The following members of the public spoke during the public hearing:

M/S Salazar/Hamilton to close the public hearing. **Motion carried unanimously by roll call vote.**

M/S Hamilton/ to adopt the resolution and to direct staff to return to the City Council at a future meeting to provide benchmarking information for items contained in the Master Fee schedule, before the new fees go into effect.

**Motion carried 4-1 with Vice Mayor Mason opposed.**

## 8. COMMENTS FROM COUNCIL MEMBERS

- **Tom Hamilton** – Thanked resident Karen Cunningham for her volunteer work throughout San Bruno.
- **Linda Mason** – Thanked local businesses for their efforts putting on an Easter Egg Hunt. Also requested a follow-up on requests for updates from San Bruno Recology and the Chamber in San Bruno. Vice Mayor Mason also wished Councilmember Marty Medina a Happy Birthday.
- **Michael Salazar** – Wished Councilmember Marty Medina a Happy Birthday.
- **Marty Medina** – Thanked vendors for a successful event in City Park.
- **Rico E. Medina** – Announced a cleanup event near 280. Also announced National Public Telecommunications Week.

- All members of the City Council wished City Clerk Melissa Thurman well and thanked her for her service in San Bruno.

a. **ADJOURNMENT** – The meeting adjourned at 10:52 p.m.

The next Regular City Council Meeting will be held on April 26, 2022 at 7:00 p.m.

The City Council meeting minutes were prepared by Vicky Hasha, Deputy City Clerk, for approval at the regular meeting of April 26, 2022.

---

Vicky Hasha, Deputy City Clerk

---

Rico E. Medina, Mayor





**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** April 11, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan D. Grogan, City Manager

**PREPARED BY:** Qianyu Sun, Finance Director  
Kathleen O'Malley, Accounting & Customer Service Representative

**SUBJECT:** Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 3 inclusive, and/or claims numbered from 197197 through 197320 inclusive, totaling \$1,426,864.14 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$137,648.90
006	American Rescue Plan Act	\$3,976.09
132	Agency on Aging	\$5,324.54
133	Restricted Revenues	\$68.95
137	Developer Project Contributions	\$48,578.08
201	Parks and Facilities Capital	\$777,201.46
203	Street Improvement Projects	\$173,962.25
611	Water Fund	73,183.99
621	Stormwater Fund	-196.02
631	Wastewater Fund	90,532.45
701	Central Garage	6,975.59
702	Facility Maintenance Fund	21,374.60
707	Technology Development	1,728.21
711	Self-Insurance	86,505.05
<b>TOTAL FOR APPROVAL</b>		<b>\$1,426,864.14</b>

Respectfully submitted,

  
Finance Director

04/12/2022

Date

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0016499 ACTION SPORTS	197198	4/11/2022	1,067.50
0000858 ADECCO EMPLOYMENT SERVICES	197199	4/11/2022	7,233.60
0000163 AIRPORT AUTO PARTS INC.	197200	4/11/2022	1,801.85
0000372 ALLIED SECURITY ALARMS	197201	4/11/2022	529.50
0104542 ALTA LANGUAGE SERVICES, INC.	197202	4/11/2022	198.00
0103055 ANDY'S ROOFING CO., INC.	197203	4/11/2022	2,908.35
0016123 AT&T	197204	4/11/2022	337.71
0105649 ATLAS PLUMBING AND ROOTER, INC.	197205	4/11/2022	129.60
0000345 BAKER & TAYLOR BOOKS	197206	4/11/2022	2,331.44
0105737 BAY CITIES PYROTECTOR, INC.	197207	4/11/2022	450.00
0018688 BEST BEST & KRIEGER LLP	197208	4/11/2022	2,307.50
0109646 BIO CAR CARE	197209	4/11/2022	375.00
0109661 BIRITE FOODSERVICE DISTRIBUTORS	197240	4/11/2022	2,688.68
0000272 BMI IMAGING SYSTEMS	197210	4/11/2022	3,549.00
0017361 BOETHING TREELAND FARMS, INC.	197211	4/11/2022	68.95
0108437 BOTTOMLEY DESIGN & PLANNING	197212	4/11/2022	3,224.51
0096420 BSN SPORTS LLC	197213	4/11/2022	1,391.10
0014739 CAL-STEAM	197216	4/11/2022	272.97
0103670 CALIFORNIA BUILDING STANDARDS COMMISSION	197306	4/11/2022	3,205.44
0106548 CAPITAL ONE TRADE CREDIT	197217	4/11/2022	512.51
0106548 CAPITAL ONE TRADE CREDIT	197218	4/11/2022	240.66
0017679 CDW GOVERNMENT, INC	197219	4/11/2022	1,728.21
0013965 CH BULL CO.	197220	4/11/2022	323.10
0016324 CINTAS CORPORATION #464	197221	4/11/2022	765.68
0098588 CITY OF BURLINGAME	197222	4/11/2022	7,051.13
0098588 CITY OF BURLINGAME	197223	4/11/2022	2,554.50
0000386 CITY OF SOUTH SAN FRANCISCO	197224	4/11/2022	3,087.38
0018978 CLEAN HARBORS ENVIRONMENTAL SERVICES, INC	197233	4/11/2022	829.30
0105811 CSAC EXCESS INSURANCE AUTHORITY	197234	4/11/2022	13,016.51
0018188 DAU PRODUCTS	197228	4/11/2022	16,864.26
0108696 DAVID J POWERS AND ASSOCIATES, INC.	197283	4/11/2022	9,487.82
0018169 DELL MARKETING L.P.	197229	4/11/2022	864.08
0013926 DEPARTMENT OF CONSERVATION	197230	4/11/2022	10,954.94
0107953 DEPT. OF THE TREASURY- INTERNAL REVENUE SE	197252	4/11/2022	484.88
0110123 DUNNIGAN PSYCHOLOGICAL & THREAT ASSESSMEI	197313	4/11/2022	600.00
0105820 EAST BAY TIRE CO	197231	4/11/2022	743.26
0110181 EILEEN GOODWIN	197232	4/11/2022	4,943.80
0106234 FASTRAK INVOICE PROCESSING DEPT.	197254	4/11/2022	7.00
0000944 FEDEX	197235	4/11/2022	11.95
0110072 FIRST REPUBLIC BANK	197237	4/11/2022	37,801.25
0109400 FLEETROCK, LLC	197238	4/11/2022	500.00
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	197239	4/11/2022	2,231.34
0109776 FRESH LINE PRODUCE	197242	4/11/2022	755.50
0018272 GALE/CENGAGE LEARNING	197243	4/11/2022	28.12
0110019 GIBBONS & CONLEY	197244	4/11/2022	3,901.50
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	197315	4/11/2022	89.97
0108425 GOOD CITY COMPANY	197245	4/11/2022	21,707.50
0000162 GRAINGER	197246	4/11/2022	1,026.83
0108302 GRIFFIN STRUCTURES, INC.	197247	4/11/2022	20,538.96
0106432 GURUS EDUCATION	197248	4/11/2022	374.40
0000385 HACH COMPANY	197249	4/11/2022	16,203.00
0109121 INFORMATION PROFESSIONALS, INC.	197251	4/11/2022	480.00
0015531 INTERSTATE BATTERY SYS. OF SF	197253	4/11/2022	452.17

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0017763 J.J.R. CONSTRUCTION, INC	197197	4/5/2022	165,264.14
0105884 JACKSON LEWIS P.C.	197255	4/11/2022	2,406.50
0018852 JAMES CACCIA PLUMBING INC.	197256	4/11/2022	3,000.00
0098964 JARVIS, FAY & GIBSON, LLP	197257	4/11/2022	1,752.50
0108549 JEANETTE M FEINBERG	197236	4/11/2022	285.30
0109512 JIMENEDA BUILDERS	197258	4/11/2022	1,800.00
0000771 JT2 INTEGRATED RESOURCES	197259	4/11/2022	41,163.31
0018376 JT2 INTEGRATED RESOURCES	197260	4/11/2022	6,531.00
0093434 JT2 INTEGRATED RESOURCES	197261	4/11/2022	28,874.74
0000075 K-119 TOOLS OF CALIFORNIA INC.	197262	4/11/2022	22.85
0017661 KATHY M SCHMIDT	197294	4/11/2022	1,782.00
0000132 KELLY-MOORE PAINT CO INC.	197263	4/11/2022	74.12
0109565 LAND LOGISTICS, INC.	197264	4/11/2022	1,615.00
0109771 LATHROP CONSTRUCTION ASSOCIATES, INC.	197226	4/11/2022	718,223.75
0109918 LAW ENFORCEMENT PSYCHOLOGICAL SERVICES I	197287	4/11/2022	400.00
0103799 LDVALI LLC	197265	4/11/2022	462.60
0017570 LEHR AUTO ELECTRIC	197266	4/11/2022	526.50
0109978 LINDE GAS & EQUIPMENT INC.	197267	4/11/2022	161.82
0018177 LOWE'S	197268	4/11/2022	1,479.78
0109281 MATHENY SEARS LINKERT & JAIME LLP	197295	4/11/2022	6,034.50
0109532 MATRIX HG, INC.	197270	4/11/2022	3,020.00
0110179 MCA DIRECT	197271	4/11/2022	342.38
0092285 MICROMARKETING LLC	197272	4/11/2022	144.81
0110061 NIELSEN MERKSAMER PARRINELLO GROSS & LEOI	197281	4/11/2022	1,935.00
0018157 OCLC INC	197273	4/11/2022	412.71
0092263 OFFICE DEPOT INC	197275	4/11/2022	138.52
0097567 ONE HOUR DRY CLEANING	197276	4/11/2022	509.80
0018701 ORKIN PEST CONTROL	197277	4/11/2022	727.95
0000012 PACIFIC GAS & ELECTRIC	197278	4/11/2022	10,545.41
0000101 PACIFIC NURSERIES	197279	4/11/2022	196.88
0106829 PACIFIC OFFICE AUTOMATION INC.	197280	4/11/2022	283.48
0001154 PENINSULA LIBRARY SYSTEM	197282	4/11/2022	71.09
0108589 PERFORMANCE FOODSERVICE-LEDYARD	197241	4/11/2022	907.06
0016828 PRECISION AUTO SERVICE	197284	4/11/2022	79.95
0098436 PROFESSIONAL LAND SERVICES	197286	4/11/2022	19,595.00
0018598 QUALITY CODE PUBLISHING LLC	197288	4/11/2022	5,106.00
0013981 QUILL CORPORATION	197289	4/11/2022	51.18
0110178 RIVER ENGINEERING	197290	4/11/2022	4,350.00
0110180 ROBIN PRENDES	197285	4/11/2022	80.00
0108539 ROSALIE L. STEINWAY	197307	4/11/2022	354.60
0109633 ROSALINDA MADRONA	197269	4/11/2022	80.00
0017807 SAN MATEO COUNTY CONTROLLER'S OFFICE	197227	4/11/2022	9,159.40
0018597 SAN MATEO DAILY JOURNAL	197291	4/11/2022	3,105.00
0018597 SAN MATEO DAILY JOURNAL	197292	4/11/2022	405.00
0017145 SAN MATEO LAWN MOWER SHOP	197293	4/11/2022	11.73
0108537 SCOTT TONG	197314	4/11/2022	64.94
0018461 SERRAMONTE FORD, INC.	197296	4/11/2022	1,316.31
0097626 SHARP ELECTRONICS CORP.	197297	4/11/2022	307.12
0110024 SHAW HR CONSULTING, INC.	197298	4/11/2022	999.00
0018962 SHOE DEPOT INC.	197299	4/11/2022	344.46
0093872 SHOWCASES	197300	4/11/2022	90.67
0016458 SIADAT ENTERPRISES INC.	197301	4/11/2022	80.45
0001225 SIERRA PACIFIC TURF SUPPLY, INC	197302	4/11/2022	1,176.23
0109579 SKYHAWKS PENINSULA	197303	4/11/2022	3,638.25

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0105916 SMITH'S PEST MANAGEMENT	197305	4/11/2022	779.20
0000102 SONITROL/PACIFIC WEST SECURITY, INC.	197317	4/11/2022	245.00
0105796 SUNRISE FOOD DISTRIBUTOR INC.	197308	4/11/2022	973.30
0017016 SUPERCO SPECIALTY PRODUCTS	197309	4/11/2022	148.90
0000241 THE ADAM-HILL COMPANY	197310	4/11/2022	192.70
0108402 THE HOME DEPOT PRO	197311	4/11/2022	4,950.53
0018275 THE REGENTS OF THE UNIVERSITY OF CA	197274	4/11/2022	634.84
0000036 THOMSON REUTERS	197312	4/11/2022	586.15
0109929 TRIPEPI, SMITH AND ASSOCIATES, INC.	197304	4/11/2022	10,729.20
0109506 UNITED CALIFORNIA ACCESS & SECURITY	197214	4/11/2022	930.31
0108413 UNITED CALIFORNIA FIRE PROTECTION	197215	4/11/2022	336.92
0102744 UNIVERSAL BUILDING SERVICES	197316	4/11/2022	672.00
0015365 VICKY HASHA	197250	4/11/2022	174.51
0105955 WEST COAST CODE CONSULTANTS, INC.	197225	4/11/2022	17,477.50
0104660 WEST YOST ASSOCIATES, INC.	197318	4/11/2022	6,482.25
0000612 WESTVALLEY CONSTRUCTION CO.INC	197319	4/11/2022	113,736.90
0109476 WORLDPAK INC	197320	4/11/2022	1,090.93
		<b>GrandTotal:</b>	<b>1,426,864.14</b>
		<b>Total count:</b>	<b>124</b>



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** April 18, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan D. Grogan, City Manager


**PREPARED BY:** Qianyu Sun, Finance Director  
Kathleen O'Malley, Accounting & Customer Service Representative

**SUBJECT:** Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 2 inclusive, and/or claims numbered from 197321 through 197412 inclusive, totaling \$806,318.92 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

Fund	Fund Name	Amount
001	General Fund	\$97,006.56
003	One-Time Revenue	\$3,205.92
006	American Rescue Plan Act	\$632.38
111	Police Asset Forfeiture	\$155.52
132	Agency on Aging	\$11,179.72
137	Developer Project Contributions	\$38,995.97
201	Parks and Facilities Capital	\$390.00
207	Technology Capital	\$1,426.25
302	Lease Debt Service	\$1,575.00
611	Water Fund	56,363.03
621	Stormwater Fund	20,007.84
631	Wastewater Fund	465,732.74
641	CityNet Services Fund	32,610.59
701	Central Garage	17,966.32
702	Facility Maintenance Fund	1,027.67
707	Technology Development	21,493.44
711	Self-Insurance	35,890.98
891	Recology San Bruno	658.99
<b>TOTAL FOR APPROVAL</b>		<b>\$806,318.92</b>

Respectfully submitted,

  
Finance Director

04/19/2022

Date

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0096852 ABAG PLAN CORPORATION	197321	4/18/2022	33,320.58
0016499 ACTION SPORTS	197322	4/18/2022	1,575.00
0000163 AIRPORT AUTO PARTS INC.	197323	4/18/2022	325.21
0018976 ALPHA ANALYTICAL LAB. INC.	197324	4/18/2022	2,320.00
0109784 AP TRITON CONSULTING	197326	4/18/2022	4,227.00
0018781 AQUA SMART INC.	197327	4/18/2022	445.55
0016123 AT&T	197328	4/18/2022	499.50
0015628 BAY AREA TREE CO., INC.	197330	4/18/2022	3,850.00
0108691 BEAR CLOUD TECHNOLOGIES, INC.	197331	4/18/2022	10,162.59
0018688 BEST BEST & KRIEGER LLP	197332	4/18/2022	532.00
0109661 BIRITE FOODSERVICE DISTRIBUTORS	197355	4/18/2022	1,682.23
0108227 BMW MOTORCYCLES SAN FRANCISCO	197333	4/18/2022	2,080.08
0000378 BROADMOOR LANDSCAPE SUPPLY	197334	4/18/2022	373.58
0102737 BURKE, WILLIAMS & SORENSEN, LLP	197335	4/18/2022	11,053.12
0098347 CAPUCHINO HIGH SCHOOL BASEBALL	197336	4/18/2022	400.00
0017679 CDW GOVERNMENT, INC	197338	4/18/2022	1,191.90
0017843 CENTRAL COUNTY FIRE DEPT.	197339	4/18/2022	200.00
0016324 CINTAS CORPORATION #464	197340	4/18/2022	153.00
0000227 CITY OF SAN BRUNO	197341	4/18/2022	4,418.25
0000386 CITY OF SOUTH SAN FRANCISCO	197342	4/18/2022	458,470.88
0000508 CLEARLITE TROPHIES	197343	4/18/2022	106.30
0109957 CORETECH LEASING, INC.	197347	4/18/2022	5,166.28
0018188 DAU PRODUCTS	197348	4/18/2022	4,298.68
0107953 DEPT. OF THE TREASURY- INTERNAL REVENUE SE	197365	4/18/2022	484.88
0108027 DIANA CASCO	197337	4/18/2022	109.00
0110188 DOMINIC GARCIA	197357	4/18/2022	120.00
0105820 EAST BAY TIRE CO	197349	4/18/2022	2,686.93
0106648 EMTRAIN, INC.	197350	4/18/2022	5,000.00
0108411 EURO SCHOOL OF TENNIS	197352	4/18/2022	7,165.00
0110182 EVA THOMAS-EL BEZE	197396	4/18/2022	77.00
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	197353	4/18/2022	5,258.83
0018117 FLYERS ENERGY, LLC	197354	4/18/2022	18,011.72
0109776 FRESH LINE PRODUCE	197356	4/18/2022	51.25
0016363 GCS ENVIRONMENTAL & EQUIPMENT SVC.	197351	4/18/2022	7,667.54
0110019 GIBBONS & CONLEY	197358	4/18/2022	2,570.40
0016154 GOETZ BROTHERS SPORTING GOODS	197359	4/18/2022	393.75
0106614 GOLDFARB & LIPMAN LLP	197360	4/18/2022	9,344.00
0108425 GOOD CITY COMPANY	197361	4/18/2022	17,382.00
0095966 GREAT AMERICA FINANCIAL SVC.	197362	4/18/2022	2,756.38
0017900 GREAT LAKES DATA SYSTEMS INC	197363	4/18/2022	2,300.00
0109666 IMPACT COMPUTERS AND ELECTRONICS INC.	197345	4/18/2022	35.23
0097969 INT'L. MUNICIPAL LAWYERS ASSO.	197366	4/18/2022	695.00
0110129 JOHNSON HANG	197364	4/18/2022	4,140.26
0109545 JORDAN CONSULTING AND INVESTIGATIONS	197346	4/18/2022	450.00
0096379 KAREN OJAKIAN	197377	4/18/2022	125.33
0000317 L.N. CURTIS & SONS	197367	4/18/2022	2,137.16
0018561 LANCE BAYER	197368	4/18/2022	525.00
0017435 LECH AUTO AIR CONDITIONING	197370	4/18/2022	465.25
0104424 LIDIA'S ITALIAN DELICACIES	197371	4/18/2022	9,316.00
0107892 MANAGEMENT PARTNERS	197372	4/18/2022	2,897.50
0104916 MANDELL MUNICIPAL COUNSELING	197373	4/18/2022	1,450.00
0014878 MOTOROLA SOLUTIONS INC.	197374	4/18/2022	430.67
0092263 OFFICE DEPOT INC	197376	4/18/2022	310.97

Document group: komalley Bank: apbank 432000438

Vendor Code & Name	Check #	Check Date	Amount
0097567 ONE HOUR DRY CLEANING	197378	4/18/2022	218.80
0000012 PACIFIC GAS & ELECTRIC	197379	4/18/2022	56,143.86
0000294 PITNEY BOWES	197380	4/18/2022	2,593.30
0108277 PIVOT GROUP LLC	197381	4/18/2022	4,080.00
0016828 PRECISION AUTO SERVICE	197382	4/18/2022	79.95
0000285 PREFERRED ALLIANCE, INC.	197383	4/18/2022	519.80
0013981 QUILL CORPORATION	197385	4/18/2022	51.63
0108301 R3 CONSULTING GROUP	197386	4/18/2022	4,010.00
0018839 RYAN JOHANSEN	197388	4/18/2022	2,000.00
0017432 SAN MATEO COUNTY PUBLIC SAFETY COMMUNICA	197384	4/18/2022	175.50
0001999 SANCRA - PENINSULA DIVISION	197390	4/18/2022	100.00
0106393 SANDY ALVAREZ	197325	4/18/2022	1,443.75
0018461 SERRAMONTE FORD, INC.	197391	4/18/2022	1,432.12
0097626 SHARP ELECTRONICS CORP.	197392	4/18/2022	853.25
0105916 SMITH'S PEST MANAGEMENT	197393	4/18/2022	1,870.00
0097079 SPRINT	197394	4/18/2022	37.99
0018028 STATE WATER RESOURCES CONTROL BOARD(SWF	197387	4/18/2022	6,536.36
0108772 STEVEN CLEGG	197344	4/18/2022	287.10
0017036 STEVEN'S BAY AREA DIESEL SERVICE, INC.	197329	4/18/2022	85.00
0105796 SUNRISE FOOD DISTRIBUTOR INC.	197395	4/18/2022	130.24
0018083 THE CROSSING SAN BRUNO PROPERTY OWNERS /	197389	4/18/2022	3,205.92
0018275 THE REGENTS OF THE UNIVERSITY OF CA	197375	4/18/2022	393.71
0000036 THOMSON REUTERS	197397	4/18/2022	586.15
0017527 TIFCO INDUSTRIES INC.	197398	4/18/2022	707.41
0105869 TREVOR LAVEZZO	197369	4/18/2022	153.44
0001362 TV GUIDE MAGAZINE, LLC	197399	4/18/2022	55.68
0018687 TYLER TECHNOLOGIES INC.	197400	4/18/2022	1,426.25
0018313 U.S. BANK	197401	4/18/2022	4,610.00
0098625 UPS	197402	4/18/2022	182.42
0016835 US BANK NATIONAL ASSOCIATION	197403	4/18/2022	1,750.00
0109299 VECTOR SOLUTIONS	197404	4/18/2022	5,824.07
0095749 VERIZON WIRELESS	197405	4/18/2022	613.15
0104660 WEST YOST ASSOCIATES, INC.	197406	4/18/2022	7,916.25
0108261 WOODARD & CURRAN	197407	4/18/2022	8,252.10
0109476 WORLDPAK INC	197408	4/18/2022	2,398.80
0109109 WRECO	197409	4/18/2022	10,640.84
0110037 ZAYO GROUP, LLC	197410	4/18/2022	1,378.70
0104033 ZCORUM, INC.	197411	4/18/2022	12,999.60
0109122 ZERO TURN POWER WASHING	197412	4/18/2022	9,367.00
GrandTotal:			806,318.92
Total count:			92



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** April 26, 2022

**TO:** Honorable Mayor and Members of the City Council

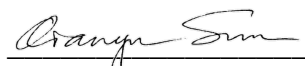
**FROM:** Jovan D. Grogan, City Manager

**PREPARED BY:** Benjie Lin, Management Analyst

**SUBJECT:** Payroll Acceptance

City Council acceptance of the City payroll distributed April 15, 2022 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,601,741.92 for bi-weekly pay period ending April 10, 2022 by fund is shown below:

Fund	Amount
Fund: 001 - GENERAL FUND	\$1,161,517.93
Fund: 006 - AMERICAN RESCUE PLAN ACT	79,250.44
Fund: 122 - SOLID WAIST/RECYCL.	2,219.57
Fund: 132 - AGENCY ON AGING	1,097.36
Fund: 137 - DEVELOPER PROJECT CONTRIBUTIONS	10,590.65
Fund: 201 - PARKS AND FACILITIES CAPITAL	1,502.42
Fund: 203 - STREET IMPROVE. PROJECTS	5,515.82
Fund: 611 - WATER FUND	80,905.52
Fund: 621 - STORMWATER FUND	26,127.10
Fund: 631 - WASTEWATER FUND	81,234.24
Fund: 641 - CITYNET SERVICES FUND	86,392.61
Fund: 701 - CENTRAL GARAGE	9,953.22
Fund: 702 - FACILITY MAINT.FUND	29,172.21
Fund: 707 - TECHNOLOGY DEVELOPMENT	19,175.84
Fund: 711 - SELF INSURANCE	7,086.99
<b>Total:</b>	<b>\$1,601,741.92</b>

  
Qianyu Sun, Finance Director

04/20/2022  
Date





## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** April 26, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan Grogan, City Manager

**PREPARED BY:** Matthew Lee, Director

**SUBJECT:** Waive Second Reading and Adopt an Ordinance Repealing Chapter 10.21 of the San Bruno Municipal Code and Adopting a new Chapter 10.21 Regulating the Use of Disposable Food Service Ware by Food Facilities

**BACKGROUND:** On August 12, 2008, the City Council adopted a Sustainable Food Packaging Ordinance calling on restaurants and other food service vendors in San Bruno to eliminate disposable food service composed of polystyrene (Styrofoam). Effective April 1, 2010, food vendors were prohibited from dispensing prepared food to customers in disposable food service ware made from polystyrene. Since the adoption of the Sustainable Food Packaging Ordinance, there has been increasing concern in the community over the impact of disposable food service ware, especially items made from plastic. Disposable food service ware, including containers, cups, lids, utensils and straws, is a major contributor to street litter, ocean pollution, marine and other wildlife endangerment, and climate change. The toxic, carcinogenic chemicals in polystyrene include benzene and styrene, and when heated, leaches into food and drinks.

The City was contacted by the San Mateo County Office of Sustainability (County) in August 2019 and received a summary report and request to consider joining a county wide effort to adopt a Disposable Food Service Ware Ordinance (Ordinance) for food facilities. For over a year, County staff conducted extensive research and worked closely with the County's Environmental Health Services (EHS) to develop the proposed Ordinance, repealing its existing Polystyrene Ban Ordinance. The County engaged cities and stakeholders in the process to try and encourage all of the cities in the county to adopt its Ordinance. The County adopted the Ordinance on February 25, 2020, with thirteen cities following the adoption including the City adopting on September 14, 2021. The Ordinance aimed to regulate and reduce the amount of disposable food service ware, especially those made of plastic which include one-time use items such as straws, stirrers, blows, plates, cups, utensils, clamshells, etc.

In 2018, California adopted Assembly Bill (AB) 1884 requiring that full-service restaurants only provide single-use plastic straws upon consumer request versus distributing them automatically without a specific request from the consumer. The State expanded on this law by passing AB 1276 on October 5, 2021. Under AB 1276, food facilities must go beyond just plastic straws and require consumers to request additional foodware accessories such as utensils, stirrers, splash sticks, and condiment packets. The State also strengthened enforcement by directing local governments to authorize an enforcement agency to enforce these statutes by June 1, 2022. The law, however, does not provide a specific implementation date. Furthermore, AB 1276 allows local governments to adopt more restrictive requirements at their discretion. Also, on October 5, 2021, Governor Newsom signed into law AB 1200, which prohibits the sale or

distribution of single-use foodware comprised of paper or other plant-based natural fiber that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), a class of hazardous chemicals. This law goes into effect on January 1, 2023. The new legislation does not direct a specific entity to be the enforcement agency.

The County's Board of Supervisors adopted the amendment to the Disposable Food Service Ware Ordinance on February 8, 2022. On April 12, 2022 the City Council waived the first reading and introduced the ordinance as presented.

**DISCUSSION:** The previously adopted City Ordinance in September 2021 (2021 Ordinance) includes key provisions that are well aligned with many of the requirements on foodware in AB 1276 and AB 1200 including:

1. Requirement that food facilities only distribute foodware accessories upon request by the consumer;
2. Prohibition of food facilities from bundling/packaging single-use foodware accessories for distribution;
3. Requirement that third-party food delivery platforms (e.g., Uber Eats, DoorDash, etc.) provide options for consumers to affirmatively ask for single-use foodware accessories; and
4. PFAS restrictions on single-use fiber-based foodware. (While AB 1200 requires all single-use fiber-based foodware to be PFAS-free, the City's 2021 Ordinance requires the following select items to be PFAS-free: plates, bowls, cups, food trays, clamshells, boxes, deli containers, and other containers.)

Some discrepancies, however, do exist. Below is a summary of the new state requirements and the recommendations for aligning the City's 2021 Ordinance with the new state requirements.

### **Overview of Changes to City's 2021 Ordinance to Align with AB 1276**

To align the City's 2021 Ordinance with the new state requirements of AB 1276, the following changes are recommended:

1. Current 2021 Ordinance requirement: All food facilities may offer single-use foodware accessories to consumers.  
New AB 1276 requirement: Food facilities can offer single-use foodware accessories only at drive-throughs and public airports.  
Recommended change to 2021 Ordinance: Amend the 2021 Ordinance so that only food facility drive-throughs and food facilities at public airports can offer accessories to consumers.
2. Current 2021 Ordinance requirement: Food facilities may distribute foodware accessories using dispensers and have them available at self-serve areas, including in open bins/containers for consumers to grab-and-go.  
New AB 1276 requirement: Open bins/containers are not allowed for distribution of accessories. Consumers must request them from the employee and/or food facilities may have them available at refillable dispensers that dispense accessories one item at a time.  
Recommended change to 2021 Ordinance: Amend the 2021 Ordinance so that food facilities cannot have available accessories in open bins/containers at self-serve areas for consumers to

grab-and-go, and explicitly state that dispensers can only dispense accessories one item at a time.

3. Current 2021 Ordinance requirement: Food facilities are not prohibited from using self-serve, refillable bulk condiment dispensers (there is no reference to bulk condiment dispensers in the 2021 Ordinance).

New AB 1276 requirement: Food facilities are explicitly allowed to use self-serve, refillable bulk condiment dispensers to distribute condiments.

Recommended change to 2021 Ordinance: Amend the 2021 Ordinance to explicitly allow for use of refillable bulk condiment dispensers.

### **Overview of Changes to City's 2021 Ordinance to Align with AB 1200**

The PFAS requirements for all single-use fiber-based foodware under AB 1200 go into effect on January 1, 2023. To align the City's 2021 Ordinance with the new state requirements of AB 1200, the following changes are recommended:

1. The PFAS requirements in AB 1200 go into effect on January 1, 2023 and supersede those of the City's 2021 Ordinance. Therefore, the recommendation is to sunset the City's PFAS requirements currently in the 2021 Ordinance on December 31, 2022. The County will look to the State to assume responsibility for implementing and enforcing the new requirements starting on January 1, 2023.

This City entered into a Memorandum of Understanding with the County, who will take the lead in education and outreach, as well as enforcement of the ordinance. This will promote consistency within jurisdictions throughout the County. The City will save staff time and resources by having the County provide these services.

The ordinance will not become operative and will not be enforced until October 1, 2022 to provide food facilities time to use up their existing non-conforming inventory and to give County staff time to develop an education and enforcement program.

**FISCAL IMPACT**: There is no fiscal impact anticipated as a result of this Ordinance. Limited costs are anticipated for existing food service facilities in the City considering that all have some type of sustainable food service ware in place. The County will manage the outreach, education, and enforcement of the Ordinance at no cost to the City.

**ENVIRONMENTAL IMPACT**: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required

**RECOMMENDATION**: Waive Second Reading and Adopt a new Chapter 10.21 Regulating the Use of Disposable Food Service Ware by Food Facilities

**ALTERNATIVES**: Request additional information before adopting the ordinance

### **ATTACHMENTS:**

1. City Disposable Food Service Ware Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING CHAPTER 10.21 (DISPOSABLE FOOD SERVICE WARE) TO  
TITLE 10 (MUNICIPAL SERVICES) OF THE SAN BRUNO MUNICIPAL CODE AND  
ADOPTING A NEW CHAPTER 10.21 (DISPOSABLE FOOD SERVICE WARE) REGULATING  
THE USE OF DISPOSABLE FOOD SERVICE WARE BY FOOD FACILITIES**

WHEREAS, the City adopted Ordinance No 1770 prohibiting the use of polystyrene (Styrofoam) based disposable food service ware by food vendors on February 10, 2009; and

WHEREAS, the City repealed and replaced City Ordinance No. 1770 with Ordinance No. 1902 also known as the “Disposable Food Service Ware Ordinance,” hereafter referred to as the “Ordinance,” on September 14, 2021. The Ordinance focuses on reducing single-use plastic and other food service ware waste, improving the health and safety of the City and County community members, and helping to waterways clean and safe; and

WHEREAS, on October 5, 2021, AB 1276 was signed into law by Governor Gavin Newsom. AB 1276 restricts the distribution of single-use foodware accessories (e.g., utensils, straws, stirrers, condiment packets, etc.) by restaurants and other food facilities; and

WHEREAS, on October 5, 2021, AB 1200 was also signed into law by the Governor. AB 1200 mandates that no person shall distribute, sell, or offer for sale in the state any food packaging (including single-use foodware) that contains regulated perfluoroalkyl and polyfluoroalkyl substances (PFAS); and

WHEREAS, the Ordinance includes requirements that are well aligned with many of the requirements on foodware in AB 1276 and AB 1200. However, some discrepancies exist. As such, the Ordinance must be amended to ensure alignment with requirements in both State bills; and

WHEREAS, the City does, accordingly, find and declare that it should repeal and replace in its entirety Chapter 10.21 of the San Bruno Ordinance Code to ensure the City’s requirements around single-use foodware accessories distribution and PFAS regulation in single-use foodware align with the State of California’s requirements.

NOW, THEREFORE, the City Council of the City of San Bruno does ordain as follows:

**SECTION 1.** Recitals. The above recitals are incorporated as though set forth in this section.

**SECTION 2.** Chapter 10.21 (Disposable Food Service Ware) of Title 10 (Municipal Services) is hereby repealed and replaced in their entirety by a new Chapter 10.21 to be numbered and entitled and to read as follows:

**CHAPTER 10.21**  
**REGULATING THE USE OF DISPOSABLE FOOD SERVICE WARE**

**10.21.010 Definitions.**

For purposes of this Chapter, the following terms have the following meanings:

- (a) "Aluminum Foil-based" means any Disposable Food Service Ware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
- (b) "Compostable" means that an item or material:
  - 1. Meets standards for compostability from a certified/approved independent third-party approved by the County Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and/or
  - 2. Is any variation of acceptable materials that will break down or otherwise become part of usable compost in a safe and timely manner as determined by the County Manager or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and
  - 3. Is Natural Fiber-based. Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as, but not limited to corn or other plant sources (e.g., compostable plastics), if certified/approved by independent third parties approved by the County Manager or designee.

"Compostable" does not include items made entirely/primarily of biologically based polymer (e.g., PLA, PHA, or other compostable plastic), even if labeled or certified as compostable.

- (c) "City Facilities" means any building, structure or vehicles owned or operated by the City of San Bruno, its agent, agencies, and departments. This also includes all individuals, entities, or organizations using City Facilities for public or private events.
- (d) "Disposable" means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuse.
- (e) "Food Service Ware" means food contact products used for serving, distributing, holding, packaging, and/or transporting Prepared Food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term "Food Service Ware" includes Food Service Ware Accessories and Standard Condiment in Disposable packaging.
- (f) "Food Service Ware Accessories" include different types of Food Service Ware such as straws, stirrers, Utensils, condiment cups and packets, cocktail sticks/picks, toothpicks, napkins, cup spill plugs, cup sleeves, and other similar accessory or accompanying Food Service Ware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a Food Service Ware Accessory.

- (g) “Perfluoroalkyl and Polyfluoroalkyl substances (PFAS)” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- (h) “Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Restrictions” mean either of the following:
1. PFAS has not been intentionally added to a product or product component.
  2. The presence of PFAS in a product or product component is below 100 parts per million, as measured in total organic fluorine.
- (i) “Food Facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by the California Health and Safety Code Section 113789 or successor. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this Chapter.
- (j) “Food Scrap Composting Method” means (1) self-hauling of food scraps to a permitted composting facility or a transfer station that accepts food scraps that will be transferred to a permitted composting facility for on-site compost processing, (2) food scrap compost collection service provided by a curbside hauler, or (3) on-site food scrap composting.
- (k) “Healthcare Facilities” mean places that provide healthcare to the public. Healthcare Facilities includes, but is not limited to hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.
- (l) “Natural Fiber/Natural Fiber-based” means a plant or animal-based, non-synthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc.
- (m) “Non-Compostable” means not meeting the definition of Compostable set forth in this Chapter.
- (n) “Polystyrene-based” means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene [EPS]) and clear or solid polystyrene known as oriented polystyrene.
- (o) “Prepackaged Food” means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.
- (p) “Prepared Food” means food or beverages that undergo a cooking or food preparation technique on the Food Facility’s premises for consumption by the public. Cooking or food preparation technique includes, but is not limited to the following:
1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.

2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.

Prepared Food does not include raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

- (q) "Standard Condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, and includes different types such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, and sugar/sugar substitutes.
- (r) "Takeout Food" means Prepared that is purchased to be consumed off a Food Facility's premises. Takeout Food includes Prepared Food delivered by a Food Facility or by a third-party Takeout Food Delivery Service.
- (s) "Takeout Food Delivery Service" is a service for online food ordering and delivery of Prepared Food from a Facility to a customer. This service can be provided directly by the Food Facility or by a third-party.
- (t) "Utensils: include different types of instruments used to assist the consumption of food, specifically, dorks, knives, spoons, sporks chopsticks, and tongs.

#### **10.21.020 Distribution of Disposable Food Service Ware Accessories and Standard Condiment.**

- (a) Except as provided in Subsections (b) and (c), Food Facilities, for on-premise dining and off-premise dining (e.g., Takeout Food Delivery Service, catering off-site, etc.), shall not provide any Disposable Food Service Ware Accessories or Standard Condiment in Disposable packaging to a consumer unless the specific type of Disposable Food Service Ware Accessory (including different types of Utensils) or specific type of Standard Condiment is requested by the consumer.
- (b) Food Facilities may ask a drive-through consumer if the consumer wants a specific type of Disposable Food Service Ware Accessory (including different types of Utensils), if the item is necessary for the consumer to consume Prepared Food or to prevent spills of or safely transport Prepared Food.
- (c) Food Facilities that are located entirely within a public use airport, as defined in Section 77.3 of Title 14 of the Code of Federal Regulations, may ask a walk-through consumer if the consumer wants a specific type of Disposable Food Service Ware Accessory (including different types of Utensils), if the item is necessary for the consumer to consume Prepared Food or to prevent spills of or safely transport Prepared Food.
- (d) Disposable Food Service Ware Accessories and Standard Condiment in Disposable packaging provided by Food Facilities for use by consumers shall not be bundled or packaged in a manner that prohibits a consumer from taking only the type of Disposable Food Service Ware Accessory (including different types of Utensils) or type of Standard Condiment desired without also having to take a different type of Disposable Food Service Ware Accessory or type of Standard Condiment. Food Facilities cannot distribute Disposable Utensils that are bundled or packaged together. Each type of

Utensil (e.g., fork, spoon, knife, etc.) must be specifically requested by the consumer in order for a Food Facility to provide the item(s).

- (e) Nothing in this Chapter shall prohibit a Food Facility from making unwrapped Disposable Food Service Ware Accessories available to a consumer using refillable self-service dispensers that dispense different types of Disposable Food Service Ware Accessories one item at a time to allow for Disposable Food Service Ware Accessories to be obtained.
- (f) Nothing in this Chapter shall prohibit a Food Facility from making Standard Condiment available to a consumer using refillable self-service dispensers to allow for Standard Condiment to be obtained. Food Facilities that offer Standard Condiment are encouraged to use bulk dispensers for the condiments rather than condiments packaged for single-use.
- (g) Takeout Food Delivery Services shall provide consumers with the option to proactively request the different types of available Disposable Food Service Ware Accessories (including different types of Utensils) and the different types of Standard Condiment from a Food Facility serving Prepared Food. The default option on the digital ordering/point-of-sale platforms of Takeout Food Delivery Services shall be that no Disposable Food Service Ware Accessories or Standard Condiment are requested.
- (h) Takeout Food Delivery Services shall provide Food Facilities the ability to tailor the digital ordering/point-of-sale platforms so that Food Facilities can customize and itemize the different types of available Disposable Food Service Ware Accessories (including different types of Utensils) and the different types of available Standard Condiments for consumers to proactively select.
- (i) If a Food Facility uses any Takeout Food Delivery Service, the Food Facility shall customize its menu with an itemized list and/or provide options of the different types of available Disposable Food Service Ware Accessories (including different types of Utensils) and the different types of available Standard Condiments for consumers to proactively select. Only those specific types of Disposable Food Service Ware Accessories (including different types of Utensils) or specific types of Standard Condiment proactively requested by the consumer shall be provided by the Food Facility. If a consumer does not request any Disposable Food Service Ware Accessories or Standard Condiment, no Disposable Food Service Ware Accessories or Standard Condiment shall be provided by the Food Facility for delivery of Prepared Food. Pursuant to Subsection (d), each type of Utensil (e.g., fork, spoon, knife, etc.) offered by the Food Facility shall also be listed individually, unbundled on the menu and provided by the Food Facility for delivery along with the Prepared Food only if requested by the consumer.

#### **10.21.030 Standards and Required Use of Disposable Food Service Ware.**

- (a) No Food Facility shall use Polystyrene-based Disposable Food Service Ware when providing Prepared Food.
- (b) Food Facilities and City Facilities shall only provide Disposable straws, stirrers, utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) that are Compostable.
- (c) Nothing in this Chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with



disabilities. In particular, nothing in this Chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Non-Compostable straws to individuals who may request the use of Disposable Non-Compostable straws to accommodate medical needs or disabilities. Healthcare Facilities may distribute Disposable Non-Compostable straws with or without request by a patient at the discretion of the Healthcare Facility staff based on the physical or medical needs of the patient.

- (d) Food Facilities and City Facilities shall use Compostable items for the below Disposable Food Service Ware when providing Prepared Food:
  - 1. Plates
  - 2. Bowls (of all sizes including, but not limited to soup and salad bowls)
  - 3. Cups (of all sizes including, but not limited to beverage and accessory cups for Standard Condiments)
  - 4. Food trays and food boats
  - 5. Boxes
  - 6. Hinged or lidded containers (e.g., clamshells), deli containers, and other containers used for the sale and/or distribution of Prepared Food
- (e) Commencing on the effective date of this Chapter up until December 31, 2022, for the Compostable Disposable Food Service Ware listed in Subsection (d), Food Facilities shall use items that meet Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Restrictions. To verify the PFAS Restrictions, Food Facilities shall use items that are certified/approved by independent third parties approved by the County Manager or designee, in collaboration with local waste processors and haulers, as needed.
- (f) For all other Disposable Food Service Ware not listed in Subsections (b) and (d), Food Facilities shall use only Disposable Food Service Ware that can be composted by the Food Scrap Composting method utilized by the Food Facility and/or accepted for recycling by the Food Facility's recycling collection service, unless a feasible alternative does not exist.
- (g) The City and County shall maintain a list of approved Disposable Food Service Ware and/or references to resources that maintain regularly updated lists of products that meet the requirements detailed in Subsections (a), (b), (d), and (e) of this Section. This information shall be made public on the City's and the Office of Sustainability websites. If a product is not included on the approved list, the Food Facility wishing to use a product as Disposable Food Service Ware shall establish to the City Manager or designee's satisfaction that the product complies with the requirements detailed in Subsections (a), (b), (d), and (e).

#### **10.21.040 Recordkeeping and Inspection.**

- (a) Food Facilities shall keep complete and accurate record or documents of the acceptable Disposable Food Service Ware evidencing compliance with this Chapter for a minimum period of three years from the date of purchase.
- (a) The record shall be made available for inspection at no cost to the County during regular business hours by County employee or County-designated staff authorized to enforce

this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.

- (b) The provision of false or incomplete information, records, or documents to the County shall be a violation of this Chapter.

#### **10.21.050 Automatic Exemptions.**

- (a) Prepackaged Food is exempt from the provisions of this Chapter.
- (b) Polystyrene coolers and ice chests intended for reuse are exempt from the provisions of this Chapter.
- (c) Disposable Food Service Ware that is entirely Aluminum Foil-based or recycled glass is exempt from the provisions of this Chapter.
- (d) If the City or County determines that a reasonably feasible Disposable Food Service Ware that complies with Section 4.107.040 (a), (b), (d), and (e) of this Chapter does not exist, these items will be exempt from the abovementioned provisions of this Chapter until the City or County determines that a reasonably feasible alternative is available on the market for purchase. The City and County will have a current list of these temporarily exempted Disposable Food Service Ware made public by the County.
- (e) Temporary exemptions due to an emergency are automatic without the submission of a request for an exemption. An emergency is defined as a sudden, unexpected occurrence posing a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. Examples of an emergency include, but are not limited to natural disasters, emergencies due to the release of hazardous materials, emergencies associated with loss of power and/or water, or emergency medical response.

#### **10.21.060 Case-by-Case Consideration of Requests for Hardship Exemption.**

- (a) Grounds for an exemption.

An exemption from any of the provisions of this Chapter and the County's Chapter may be granted by the County Manager, City Manager or designee upon demonstration by a Food Facility to the satisfaction that strict application of the requirements would cause undue hardship. An "undue hardship" includes, but is not limited to the following:

1. A situation unique to the Food Facility where a suitable alternative that conforms with the requirements detailed in Section 4.107.040 (a), (b), (d), and (e) does not exist for a specific application.
2. Imposing the provisions of this Chapter would cause significant economic hardship. "Significant economic hardship" may be based on, but not limited to, demonstrating that suitable Disposable Food Service Ware is not available at a commercially reasonable price and the additional cost associated with providing the Disposable Food Service Ware is particularly burdensome to the Food Facility based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the Food Facility, and other factors. Reasonable added cost for a suitable item as compared to a similar item that the Food Facility

can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the City Manager or designee may consider the following information: ability of the Food Facility to recover the additional expense by increasing its prices; the availability of tax credits and deductions; outside funding; and other options.

- (b) Request for an exemption. A request for an exemption from the requirements of this Chapter shall include all information deemed necessary by the City to render a decision, including but not limited to documentation showing the factual support for the requested exemption. A request for an exemption may be approved by the City Manager or designee, in whole or in part, with or without conditions. The duration of the exemption, if granted, shall also be determined by the City Manager or designee. Information about the application process for requesting an exemption will be made available to the public by the County.

#### **10.21.070 Enforcement.**

- (a) The City Manager or designee, including County officials may enforce this Chapter. Such authorization includes, without limitation, the authority to hold hearings, issue citations, or assess administrative fines on behalf of the City.
- (b) Violation of this Chapter is a public nuisance subject to all applicable civil, administrative, and criminal remedies and penalties according to the provisions and procedures contained in this ordinance code and state law including, but not limited to, an action for abatement or injunctive relief.
- (c) Compliance plan
  - 1. If requested by the County Manager or designee, a Food Facility that is in violation of any of the provisions detailed in this Chapter shall create and submit to the County Manager or designee a compliance plan, which will include information on corrective action(s) that the Food Facility shall undertake to come into compliance. Other requested information may include, and are not limited to proposed timeline for corrective action(s), and identification of individuals responsible for ensuring compliance.
  - 2. The Food Facility shall create and submit its completed compliance plan within fourteen calendar days (14) from the time of request by the County Manager or designee.
- (d) Notwithstanding authorization of enforcement by County of San Mateo personnel in this Chapter, the violation of, or noncompliance with, any of the requirements of this Chapter or applicable provisions of this code, shall be subject to any administrative, civil, or criminal enforcement remedies available under the law and/or the City's municipal code. In addition, the City may enforce the violation of this Chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized by the law.

This Section shall not be interpreted to limit any otherwise available civil or administrative remedies under law.

**SECTION 3. California Environmental Quality Act (CEQA) Finding.** This ordinance is not a “project” pursuant to Section 21065 of the Public Resource Code because it does not change the existing regulatory scheme.

**SECTION 4. Severability.** If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

**SECTION 5. Effective Date.** The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in a newspaper of general circulation at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933. This Ordinance shall be effective thirty (30) days after adoption. However, the mandatory provisions of this Ordinance, shall only become operative and subject to enforcement on October 1, 2022.

**INTRODUCED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and **PASSED AND ADOPTED** by the City Council of the City of San Bruno on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Rico E. Medina

Mayor of the City of San Bruno

ATTEST:

---

Vicky Hasha

Deputy City Clerk



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** April 26, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan Grogan, City Manager

**PREPARED BY:** Jovan Grogan, City Manager

**SUBJECT:** Adopt Resolution Approving Agreement between the City of San Bruno and the Fire Bargaining Unit and Authorizing Execution by the City Manager

**BACKGROUND:** The existing Memorandum of Understanding between the City of San Bruno and the Fire Bargaining Unit expired on December 31, 2021. Representatives from the City and the bargaining unit met and conferred in good faith and have reached a tentative agreement extending their existing Memorandum of Understanding an additional four years through December 31, 2025. The tentative agreement was signed by the bargaining unit on March 21, 2022.

**DISCUSSION:** The attached Tentative Agreement for the Fire Bargaining Unit will extend their current Memorandum of Understanding through December 31, 2025.

The City retained an independent consultant to conduct a total compensation survey of comparison agencies that was completed in late September 2021. The survey was based upon agencies identified in the MOU. Many of the comparable survey agencies have merged with local districts and are reflected in the revised tentative agreement, Section 8.2.3. Total compensation for the group demonstrated that they were below the labor market median by 13.91%.

In addition to the total compensation survey of comparison agencies, the agreement's economic package was based on a variety of factors including inflation as measured by the Consumers Price Index, All Urban Consumers (CPI-U), for the San Francisco – Oakland – San Jose region. CPI-U in October 2021 was 3.8% for the region. Also taken into consideration was the 0% cost of living adjustment (COLA) received for the group in 2021. CPI-U in 2020 was 2%, the bargaining group received a 3% COLA. In 2019, CPI-U was 2.5% and the group received a 3% COLA and 1% equity adjustment. In 2018, the group received a 3% COLA and 1% equity adjustment, CPI-U was 4.5%.

The tentative agreements include cost of living adjustments each year as follows:

- effective the first full pay period of January 2022, a 4% salary increase
- effective the first full pay period of January 2023, a 3% salary increase
- effective the first full pay period of January 2024, a 3% salary increase
- effective the first full pay period of January 2025, a 3% salary increase

Market equity adjustments are applied based on results of a total compensation study of comparison agencies. For benchmark classes which are greater than 10% below the market median (based on the September 2021 benchmark survey) after the initial 4% COLA is applied a 2% equity adjustment will be received. For benchmark classes between 6% and 9.99% below the market median (based on the September 2021 benchmark survey) after the initial 4% COLA is applied, a 1% equity adjustment will be received. For benchmark classes which are greater than 10% below the market median, less annual equity adjustments received during the contract period, a 2% equity adjustment will be received for each year of the contract. For benchmark classes between 6% and 9.99% below the market median, less equity adjustments received during the contract period, a 1% equity adjustment will be received for each year of the contract. The cost of the four-year contract was considered against the general fund forecast and takes into consideration increasing costs for employee pension and inflationary assumptions for non-salary items. The longer-term contract offers stability in fiscal forecasting and support recruitment and retention efforts within the highly competitive public safety field.

Based on the equity formula members of the bargaining group move closer to the average wage range of the survey market from -13.91% to -5.9%.

Bargaining unit members will share in the cost for medical premium increases. The City will continue to pay 75% of the health care premium increase beginning January 1, 2022 and December 31, 2025.

The parties agreed to add the Retiree Plus Health Coverage to commence for all current employees who participate in the employee health plan effective January 1, 2021. Beginning January 1, 2022 through December 31, 2025 the City shall pay 75% and employee shall pay 25% of Retiree Plus Health Coverage premium.

Fire bargaining unit chooses to voluntarily waive participation in a City-wide Long-Term Disability (LTD) insurance program to enroll in a qualified Union sponsored LTD insurance program. The city will provide reimbursement to employees of this unit toward premiums up to the maximum premium contribution the City is paying towards employees enrolled in the Citywide LTD program. Employees of this bargaining unit agree to pay the premium increase above the Citywide contribution to the Citywide LTD offering toward the new qualified Union LTD plan. The City's premium contribution for Long-Term Disability will not be available for cash reimbursement.

**FISCAL IMPACT:** The FY 2021/2022 budget does not include funds for enhancements to employee salary and additional benefits over the fiscal year. The 4% wage adjustment, 1% equity adjustment, and additional benefits costs for this bargaining unit is anticipated to cost \$131,331 for the remainder of FY 2021/2022. Excess general fund revenues will cover these costs.

**ENVIRONMENTAL IMPACT:** There is no environmental impact.

**RECOMMENDATION:** Adopt Resolution Approving Agreement between the City of San Bruno and the Fire Bargaining Unit and Authorizing Execution by the City Manager

**ALTERNATIVES:** Do not approve the agreement and direct the negotiating team to seek changes or to begin mediation discussions.

**ATTACHMENTS:**

1. Resolution
2. Tentative Agreement - Fire

**RESOLUTION NO. 2022–**

**ADOPT RESOLUTION APPROVING THE AGREEMENT  
BETWEEN THE CITY OF SAN BRUNO AND THE FIRE  
BARGAINING UNIT, AND AUTHORIZING ITS EXECUTION BY  
THE CITY MANAGER**

**WHEREAS**, representatives of the Fire Bargaining Unit represented by the Teamsters Local 856 and representatives of the City of San Bruno have met and negotiated in good faith; and

**WHEREAS**, as a result of those negotiations, an agreement has been reached regarding changes to the terms and conditions of employment for the Fire Bargaining Unit Memorandum of Understanding to the period to December 31, 2025; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of San Bruno that it hereby approves the Agreement reached between the City of San Bruno and the Fire Bargaining Unit modifying the existing Memorandum of Understanding between the parties, and consistent with terms and conditions outlined in the Agreement attached hereto and marked Exhibit A; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute on behalf of the City of San Bruno the attached Agreement, and any modified and consolidated Memorandum of Understanding prepared incorporating all prior agreed upon terms and conditions of employment approved by the City of San Bruno and the Fire Bargaining Unit represented by the Teamsters Local 856.

--oOo--

I hereby certify the foregoing Resolution No. \_\_\_\_\_ was introduced and adopted by the San Bruno City Council, at a regular meeting on April 26, 2022 by the following vote:

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers: \_\_\_\_\_  
ABSENT: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
Vicky Hasha, Deputy City Clerk



**TENTATIVE SUPPOSAL – NOT AUTHORIZED BY COUNCIL**

March 18, 2022

8.2.1. The City and Union agree that the salary for Firefighter and Fire Captain shall be compared to other agencies by review of the following factors: determination of whether an AS degree is required in job description and included in base salary. In those cases, the base salary shall be used for the salary survey; and 2) determination if AS degree is not required as a part of Fire Captain job description by the comparator agency provides educational incentive for a Fire Captain with an AA/AS degree. In those cases, the survey salary shall be the base salary plus appropriate AA/AS educational incentive pay.

8.2.3. Historical-Salary Survey Comparison Agencies: Central County Fire, Menlo Park Fire Protection District, South San Francisco, North County Fire Authority (Daly City, Pacifica & Brisbane), Central County Fire (Hillsborough & Burlingame), Millbrae, San Mateo, Foster City, Redwood City, San Mateo Consolidated Fire District, South San Francisco, South County Fire District, Menlo Park Fire Protection District and, Half Moon Bay Fire District, Woodside Fire District, and San Bruno.

8.3.1. The salary ranges for Firefighter and Fire Captain shall be as set forth in Appendix "A", based upon the following understandings:

8.3.3. For the duration of this contract, the City agrees to maintain a 9% differential between the top step salaries of the classifications of Fire

8.3.4. The following reflects the understanding as to adjustments, modifications and changes related to salary and/or benefits which were agreed upon:

- #### 8.4. Market Equity Adjustment

- Effective the first pay period beginning after Union ratification and approval of the successor agreement by the City Council consistent with Brown Act requirements, a one-time lump sum payment of \$1,000.00 shall be paid as follows: The one-time lump sum payment will be paid in the \_\_\_\_\_ TBD, payroll check for employees in this unit still employed (in paid status) by the City at the time of payment subject to the following conditions. Employees who leave before or in the middle of the pay period that the lump sum is processed and paid shall not receive the lump sum. An employee who changes status from one bargaining unit to another during the pay period that the lump sum is processed shall only be entitled to one lump sum payment. All amounts are subject to required state and federal taxes. This one-time lump sum shall not be pensionable compensation.

## 27. Health and Welfare Benefits

### 27.1. Medical, Dental and Vision Insurances

34 of 102

of the Teamsters Local 856 Trust by laws provided, however, that participation in the fund shall not be denied to eligible employees who are not members of the Union. Temporary employees and temporary part-time employees who are employed by the City for a period of ninety (90) days shall also be eligible to participate in said fund.

27.1.2. For purposes of providing health and welfare benefits for regular full-time and permanent part-time employees subject to this MOU the City shall contribute an agreed upon amount to the trust fund on a monthly basis on behalf of each eligible employee for actual costs incurred by such Fund to provide and maintain at existing levels of coverage hospital, medical, dental care, prescription drugs, vision care, and retiree health benefits.

27.1.3. The City shall pay 75% and employee pays 25% of the health and welfare benefit premium increase over the prior plan year based on the cost of the plan options which they have selected.

- Beginning January 1, 2022 through December 31, 2025 the City shall pay 75% and employee shall pay 25% of health and welfare benefit premium increase over the prior plan year.

## 27.2. Retiree Plus Health Coverage

27.2.1. Employees in this unit participate in Retiree Plus Health Coverage established January 1, 2021. For the term of this contract the City shall pay 75% and employee shall pay 25% of Retiree Plus Health Coverage premium.

27.2.2. Eligibility for any Retiree coverage: If you retire from employment with an employer who is making contributions for retiree coverage, you will be eligible for retiree benefits provided (1) You were covered under this Plan for a total of 120 months and (2) You were eligible for at least 12 continuous months immediately prior to the date of your retirement.

27.2.3. Eligibility for Retiree Plus coverage: If you retire from employment with an employer who is making the required contributions for Retiree Plus coverage, you will be eligible for the reduced Monthly Self-Pay rate provided (1) you have at least 240 months of coverage and (2) 12 continuous months immediately prior to the date of your retirement with an employer who paid into the Retiree Plus Plan. If you have at least 120 months, but less than 240 months, you will be eligible for Retiree coverage but not for the reduced Monthly Self-Pay rate. *Retirees are encouraged to review the Retiree Plus Health Coverage Plan Document for exceptions and enrollment deadlines.*

## 37. Long-Term Disability (LTD Insurance)



37.1 The City agrees to allow employees in this bargaining unit that choose to voluntarily waive participation in a City-wide Long-Term Disability (LTD) insurance program to enroll in a qualified Union sponsored LTD insurance program. The City will provide a reimbursement to employees of this unit toward plan premiums up to the maximum premium contribution the City is paying towards employees enrolled in the Citywide LTD program. Employees of this bargaining unit agree to pay the difference in premium cost between the City's contribution and the Union's LTD plan costs. The City's premium contribution for Long-Term Disability is not available for cash reimbursement.

53. Term

53.1. This Memorandum of Understanding, except as otherwise noted, shall remain in effect for those employees employed in the classifications set forth in Appendix "A" for the period from January 1, ~~2018~~2022 – December 31, ~~2020~~2025, except to the extent that such Memorandum of Understanding may be modified by the parties during such period, and shall continue in full force and effect until either superseded by a subsequent Memorandum of Understanding or by such other action of the City Council affecting wages, hours and conditions of employment of employees in classifications covered by this Memorandum of Understanding.

54. Appendix A

*Add classification of Fire Inspector*

---


Agreed upon by representatives of the City of San Bruno:

  
\_\_\_\_\_  
Dania Torres-Wong, Sloan Sakai Yeung & Wong, LLC  
Chief Negotiator

3/23/2022  
\_\_\_\_\_  
Date

---

Agreed upon by representative of San Bruno Fire represented by Teamsters Local #856:

  
\_\_\_\_\_  
Peter Finn, Secretary/Treasurer/Principal Officer

3/21/2022  
\_\_\_\_\_  
Date



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** April 26, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan Grogan, City Manager

**PREPARED BY:** Jennifer Dianos, Assistant to the City Manager

**SUBJECT:** Receive Written Update on the City's Response Efforts to COVID-19

**BACKGROUND:** This report is to provide an update on the City's response efforts to COVID-19, while the Emergency Operations Center (EOC) is activated. The information provided in this report is as of the time it was produced and may be subject to change.

**DISCUSSION:** San Mateo County Health provides regular COVID-19 statistic dashboards through their website, [smchealth.org](https://smchealth.org). San Mateo County Health reports as of Apr. 14, 2022, there were a total of 130 cases within the last 30 days in the City of San Bruno; and as of Apr. 17, 2022, approximately 96.6% of San Bruno residents age 5+ are vaccinated. Additional statistics are attached to this report.

There are no new operational modifications of City services or other resources to report to the City Council.

General information about COVID-19 testing and vaccine clinics is available at [smchealth.org](https://smchealth.org). COVID-19 testing continues to be available at San Bruno's Narita Plaza: [cur.tv/sanbruno](https://cur.tv/sanbruno) or 888-702-9042.

**FISCAL IMPACT:** There is no fiscal impact associated with this update.

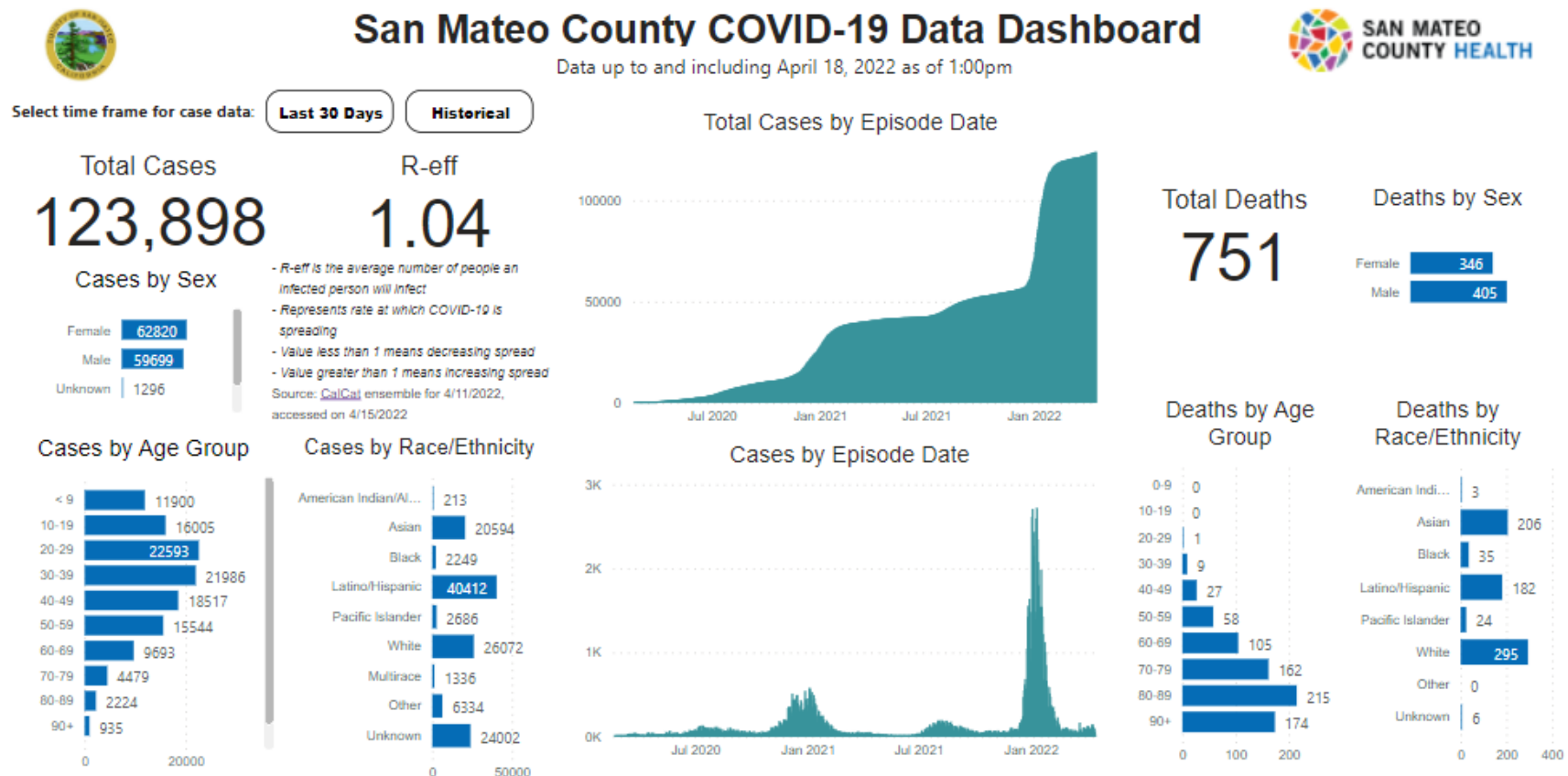
**ENVIRONMENTAL IMPACT:** There is no environmental impact.

**RECOMMENDATION:** Receive Written Update on the City's Response Efforts to COVID-19

**ALTERNATIVES:** The City of San Bruno's Emergency Operations Center remains activated and there are no alternatives proposed at this time.

**ATTACHMENTS:**

1. San Mateo County Health Department COVID-19 Data Dashboard



Because of limited testing capacity, the number of cases detected through testing represents only a small portion of the total number of likely cases in the County. COVID-19 data are reported as timely, accurately, and completely as we have available. Data are updated as we receive information that is more complete and will change over time as we learn more. Cases are lab-confirmed COVID-19 cases reported to San Mateo County Public Health by providers, commercial laboratories, and academic laboratories, including reporting results through the California Reportable Disease Information Exchange. A lab-confirmed case is defined as detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test. Cases are counted by episode date; episode date is defined as the earliest of: case symptom onset date, sample collection date, date of laboratory result, or date of death. Deaths reported in this dashboard include only San Mateo County residents; death data last updated April 14, 2022.

## COVID-19 Cases

Data up to and including 4/14/2022. Data updated weekly by Friday 5 pm.

Historical cases by city

Cases in the last 30 days by city

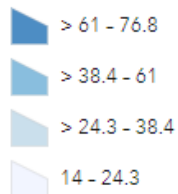
Cases by census tract

Overview and background

**2,404**  
confirmed cases

Confirmed COVID-19 cases

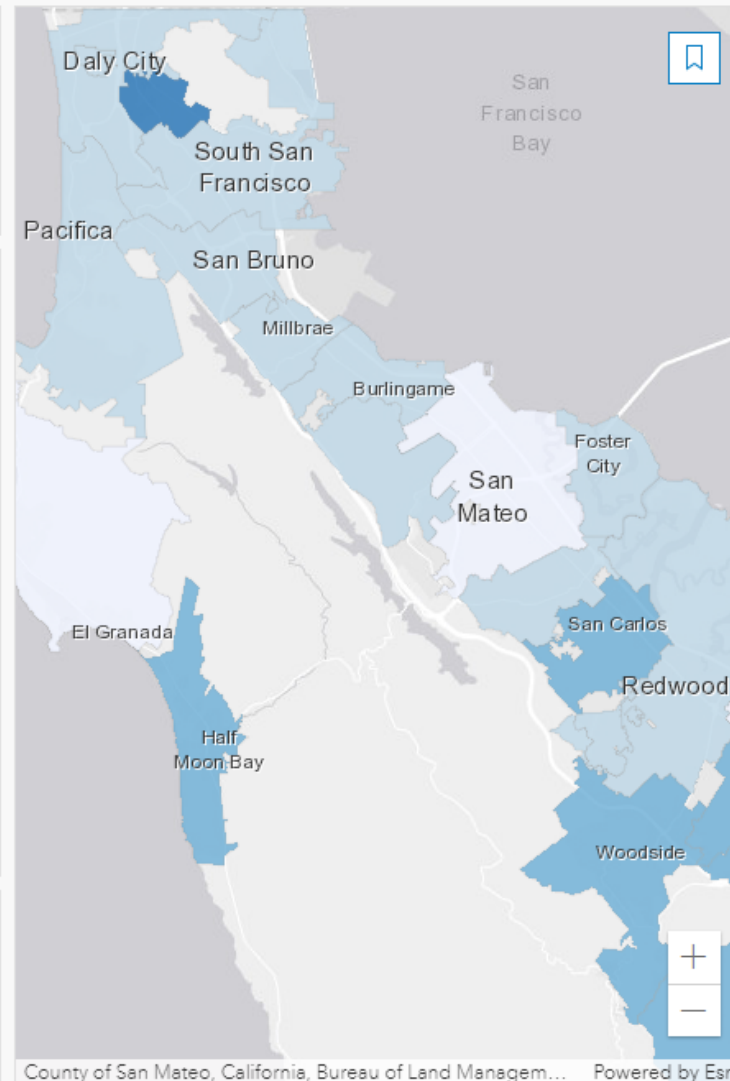
rate per 10,000 population



Data not shown



Data are not shown for cities with less than 10 cases to protect privacy and confidentiality.



Cases in the last 30 days

Atherton: 44 cases
Belmont: 99 cases
Brisbane: 16 cases
Broadmoor: 16 cases
Burlingame: 104 cases
Colma: 10 cases
Daly City: 323 cases
East Palo Alto: 66 cases
Emerald Hills: 13 cases
Foster City: 103 cases
Half Moon Bay: 60 cases
Hillsborough: 40 cases
Menlo Park: 172 cases
Midcoast Region: 16 cases
Millbrae: 65 cases
North Fair Oaks: 35 cases
Pacifica: 104 cases
Portola Valley: 24 cases
Redwood City: 261 cases
San Bruno: 130 cases
San Carlos: 137 cases
San Mateo: 236 cases

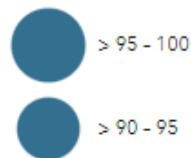
Last update: a few seconds ago

## COVID 19 Vaccinations of San Mateo County Residents as of 4/17/2022

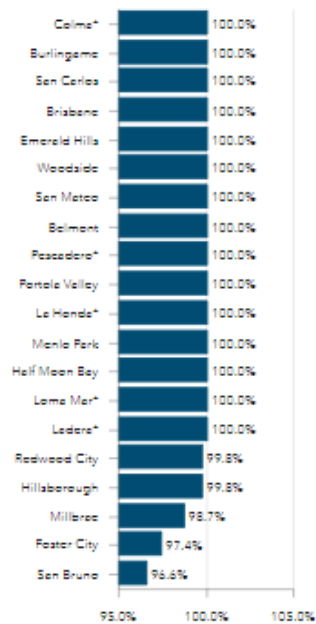
 **696,144**  
Individuals with at least 1 dose

## COVID 19 Vaccinations

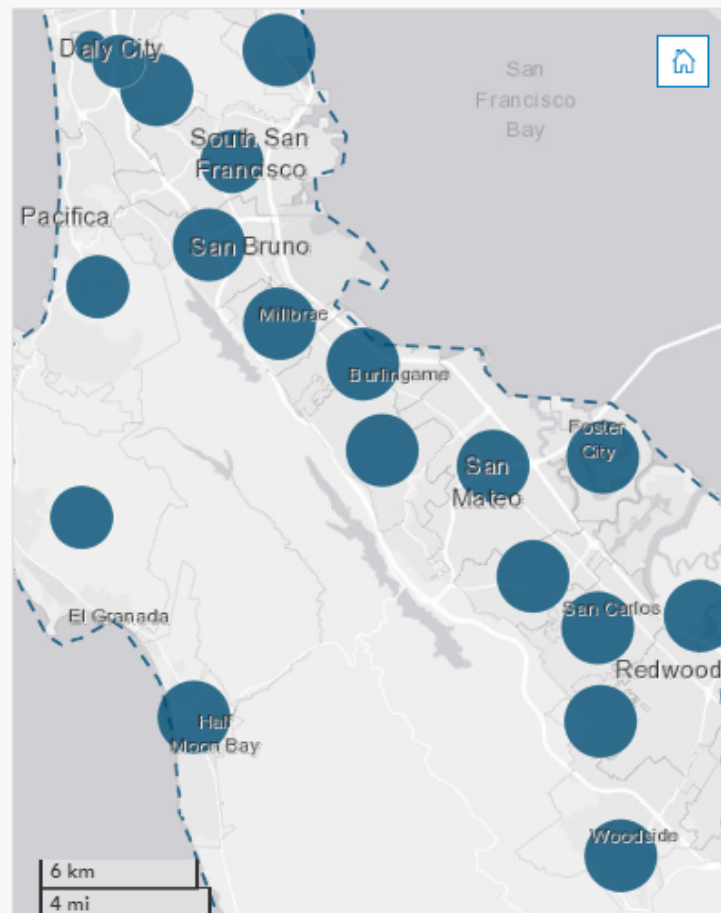
%5+ Vaccinated



### Top 20 Vaccinated Cities (%5+ Vaccinated)



Vaccinations by city are calculated by geocoding and aggregating self-reported addresses by city or town. In instances where geocoding is not possible (due to missing street addresses), counts of self-reported city of residence are aggregated with counts of geocoded addresses. Vaccinations with addresses that are not successfully geocoded or where city of residence is missing cannot be assigned to a corresponding city. For geographies with smaller populations, such as Pescadero, there is some likely inaccuracy in calculated vaccination rates due to geocoding errors and instability of vaccination counts and population counts. Please interpret this map with caution.



%5+ Vaccinated

East Palo Alto:	90.2%
Emerald Hills:	100.0%
Foster City:	97.4%
Half Moon Bay:	100.0%
Hillsborough:	99.8%
La Honda*:	100.0%
Ladera*:	100.0%
Loma Mar*:	100.0%
Menlo Park:	100.0%
Midcoast Region:	90.6%
Millbrae:	98.7%
North Fair Oaks:	93.1%
Pacifica:	91.1%
Pescadero*:	100.0%
Portola Valley:	100.0%
Redwood City:	99.8%
San Bruno:	96.6%
San Carlos:	100.0%
San Mateo:	100.0%

[Click here for vaccination rates for 10+, 16+, and 65+](#)

\*Population estimates are less precise for towns with small populations. The vaccine eligible population may be higher or lower than the ACS estimate.

County Population 5+ years: 735,951

Note

About



Total Individuals Vaccinated  
**696,144**

as of  
4/17/2022

County Population: **774,990**  
County Population 5+ years: **735,951**  
%5+ years Vaccinated: **94.6%**  
County Population 12+ years: **672,183**  
%12+ years Vaccinated: **97.2%**

Date Administered

from

8/1/2020

4/17/2022

Individuals Who Completed  
Vaccination Series

**645,877**

% Completed Vaccination Series



Total Vaccine Doses Administered

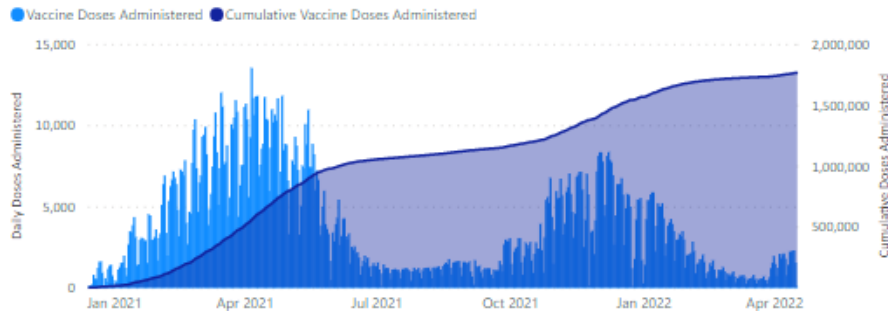
**1,762,318**

Vaccinations administered as part of federal health care organizations or programs such as the Department of Veterans Affairs (VA) report to federal immunization systems, may not report into CAIR2, and may not be included in vaccination numbers on the dashboard.

## COVID 19 Vaccinations of San Mateo County Residents

Vaccinations for San Mateo County residents are reported to SMC Public Health via the California Immunization Registry (CAIR2). COVID-19 vaccine administration data are reported as timely, accurately, and completely as data become available. Previous data will change as new and updated data are received.

### Vaccine Doses Administered by Date

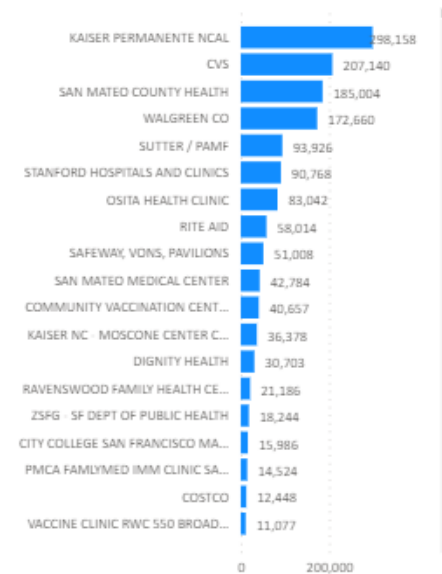


Note: Vaccine Doses Administered by Date includes any doses administered to residents.

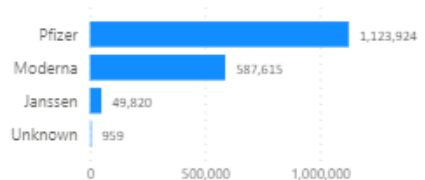
### Vaccine Series Completed and Additional/Booster Doses by Date

Note: Vaccination Series Completed represents those who have received the second dose of a two dose vaccine (Pfizer and Moderna) and those who have received one dose of a single dose vaccine (Janssen). Additional/Booster Doses include additional doses for immunocompromised individuals and booster doses. Data for boosters and vaccination of 5-11 year olds are preliminary and subject to revision.

### Vaccines Administered By



### Vaccines Administered





## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** April 26, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan Grogan, City Manager

**PREPARED BY:** Matthew Lee, Director

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute On-Call Agreements for Project Management Services with CSG Consultants, Inc., Swinerton Management & Consulting, and West Yost Associates, Inc. in Amounts Not to Exceed \$1,000,000 for the First Year and Two Additional Optional Years at \$1,000,000 Each Totaling \$3,000,000 for Each Firm, for a Total Amount of \$9,000,000 for a Total Three-Year Term

**BACKGROUND:** The City of San Bruno Public Works Department is responsible for developing, implementing, and delivering the Capital Improvement Program (CIP) on a timely basis and within the approved budgets. The CIP helps enhance the overall quality of life in the city by improving the physical structures, systems, and facilities that provide services to the community. The CIP is designed to identify, plan and develop projects using a long-term vision for the community's facilities and infrastructure needs, and the assets they install, replace, or rehabilitate will likely be required for decades of public use. The CIP projects vary in scope and breadth from street improvements, bicycle and pedestrian improvements, water, storm and wastewater facilities, and various City-owned building/facility improvements.

Some CIP projects create new infrastructure while others enhance the service life of existing capital infrastructure. Parts of the City are over a hundred years old, and the infrastructure requires replacement due to reaching or exceeding its service life. Lack of capital replacement or repair to the infrastructure will result in failure of infrastructure that provide needed service to the community. Although capital replacement can at times be deferred with some additional risk of failure, investing the capital improvements later will cost more in future years. Capital Improvement Programs factor in cost escalation to mid-year of construction to ensure that the projects are fully funded to complete construction. The average Consumer Price Index for All Urban Consumers (CPI-U), which is used to gauge cost escalation for the CIP, increased 7.5% between January 2021 to January 2022 for reference. It is also noted that Energy prices in that period rose 27%. These increases have been reflected in some recent bids from contractors. If funds are available for infrastructure improvements, investing those improvements sooner would help with minimizing escalating construction costs.

Based on the City's needs, the Capital Improvement Program has increased significantly while the resources to implement the program have not kept pace. Since Fiscal Year (FY) 2016-17 the Capital Improvement Program almost doubled from approximately \$54 million

to \$96 million in FY 2021-22. The four engineering staff programmed to the CIP Division (consisting of one Principal Civil Engineers and three Associate Engineers) to provide project management to deliver CIP projects did not similarly increase. The City Engineer also manages and delivers CIP projects, which provides approximately 4.5 engineering staff delivering CIP projects in the Engineering Section.

Concurrent with the expansion of the Capital Improvement Program, the level of private development and traffic engineering related interests increased. With vacancies in those Divisions (Land Development Associate Engineer since September 2021, and Traffic Engineering Associate Engineer since April 2020) the CIP staff has had to dedicate resources to make sure those interests are still addressed, which further reduces the capacity for delivering the CIP projects.

Furthermore, from FY 2016-17 to present, three of four of the CIP Engineering staff resigned, retired, or otherwise separated from the City, constituting a 75% turnover in the Engineering staff managing CIP projects. One of the CIP Associate Engineer positions that became vacant in 2019 has remained vacant ever since. At least two separate recruitments were conducted to attempt to fill the vacancy. Currently, the Engineering Section has an overall 32% vacancy rate. More starkly, of the five total Associate Engineer positions approved in the Engineering Section, three are vacant, a 60% vacancy rate. Staff continually attempts to recruit staff but as those vacancies extend, the CIP workload backlog grows.

Since FY 19-20, staff attempted to address the backlog by reducing the CIP appropriation to allow for addressing projects on hold and completing some projects from the program. This allowed staff to reduce the CIP backlog for that year, however even with this current approach the CIP appropriation continues to grow given the City's infrastructure needs. Except for one year (FY20-21) the CIP total appropriation continues to grow despite the approach to reduce new CIP requests whenever feasible (Table 1). During that time, staff has been working to diligently deliver projects at the existing staffing levels. The model of continuously attempting to absorb the workload of other engineering divisions and shift CIP staff resources has unfortunately contributed to staff burnout and backlog of CIP projects. Looking at the next three years, there will be anticipated project management need for 26 projects that have not been initiated or will need to be initiated. To maintain the much-needed CIP project workloads and deliver the infrastructure improvements that are needed, this on-call project management contract would expand the delivery capacity by retaining the services of consulting firms to assist with CIP project management.

As part of the upcoming FY 2022-23 budgeting process, the City Council will be presented with a proposal to right size the staff resources for the delivery of the CIP. This will be a combination of additional staff to manage the overall consistent increase in the CIP and consultants to manage spikes in CIP delivery needs.

**DISCUSSION:** In addition to the current CIP workload, the City's adopted CIP Budget outlines work programs, project descriptions, and funding needed projects to be undertaken in the next 5-years. Public Works has a significant amount of infrastructure CIP projects planned for major work during the upcoming fiveyears. The proposed five year CIP Plan for FY 2021-22 through 2025-26 is \$226 million (see Attachment 2). Since FY 2016-17, the

current CIP has increased in Total CIP Appropriation from \$55 million to \$96 million as shown in Table 1 below. Combining both current and planned CIP projects means the City will have a CIP portfolio of approximately \$322M in needed funds to complete in through FY 2025-26. Current staffing levels and the accelerated pace of work has allowed staff to complete on average \$17M (with 3 of the past five years between clearing \$20M-\$30M) of CIP work annually. To deliver at the current CIP Project level (approximately 60-70 projects) with existing staff and to deliver further increase in the next five years, it will require a combination of staff and consultant support for the project management, design, and construction management of the projects. The following table shows the last five fiscal years of the Capital Improvement Program related to Public Works:

Table2: Total CIP Appropriation

<b>Fiscal Year</b>	<b>New CIP Appropriation</b>	<b>Total CIP Appropriations</b>
2016-17	\$17 million	\$54 million
2017-18	\$29 million	\$76 million
2018-19	\$33 million	\$85 million
2019-20	\$ 7 million	\$92 million
2020-21	\$21 million	\$81 million
2021-22	\$36 million	\$96 million

Currently, there are a projected 26 projects awaiting start in the next 3 years due to the number of CIP projects that can be practicably managed by existing staff (Attachment 3). The CIP Division currently has three licensed Engineers managing the CIP with the fourth position being vacant since 2019. Current staff are managing up to twelve CIP projects at one time, as well as accommodating the needs of the public and other City departments, such as with plan checking, staff support for the encroachment permits and development projects, additional non-CIP projects assigned to Engineering Section, and addressing public traffic and pedestrian related concerns and requests. The other engineering staff are working on Private Development review or other aspects such as encroachment permits, inspection, etc. That coupled with the current vacancy levels makes it difficult for staff to provide sufficient resources for the CIP and other assignments. The typical project workload for staff managing focused solely on managing projects is about six at one time.

As a comparison to other cities with different deliver models, the City of San Mateo's CIP for FY 2021-22 is \$52.5M; however, they have sixteen engineers, three project managers, and two transportation planners budgeted to work on CIP projects. San Mateo was focused solely on designing and managing projects in house. As another comparison, the City of South San Francisco's CIP for FY 2021-22 is \$130.3 million (total appropriation \$284 million); however they manage with 5 engineers and supplement with consultants in the amount of \$18,000,000 over three fiscal years. The City of South San Francisco focuses on consulting out both project management and design.

By moving to utilize a model whereby consultants are temporarily resourced to facilitate project delivery, Public Works will have greater capacity to deliver CIP projects approved by Council. City staff will still manage the projects and provide direction, but utilization of multi-disciplinary consultant teams will provide the required capacity and improve the overall coordination and accountability while the Public Works Department appropriately resources in house CIP staffing levels. Without augmenting City engineering staff as proposed, CIP

projects will continue to be backlogged as existing City staff cannot manage the volume of work.

In February 2022, the City issued a Request for Qualifications (RFQ) for multi-disciplinary professional services that included project management services. Staff received five proposals for project management services and conducted an evaluation based on the following criteria:

- Project understanding
- Qualifications and experience of the project manager(s) and team
- Qualifications relating to CIP management
- Experience with design and construction of CIP projects

All five firms were selected and placed into the City's on-call engineering pool for project management services. From the on-call pool, three firms demonstrated the expertise to provide project management services that the Administrative & Engineering Section needs for effective CIP project delivery. The two firms not selected demonstrated greater expertise in the management of private development projects. Due to the large volume of CIP projects, staff recommends that all three remaining qualified firms: CSG Consultants, Inc., Swinerton Management & Consulting, and West Yost Associates, Inc. undertake the project management services based upon the firms' experience, resources, familiarity of working with the City of San Bruno and various municipalities, and positive references.

Through the project delivery cycle, project management represents approximately five percent of the project budget. Based on the FY 2021-22 CIP total appropriation of \$96 million, staff anticipates approximately \$4.8 million worth of project management need (Attachment 3). Understanding that not all projects will be included under project management services and assuming that vacancies can be filled and requests for additional staff authorized staff recommends approximately \$3 million of CIP work to be delivered by consultant services. This will allow staff the flexibility to structurally right size the organizational staffing resource levels to be better positioned to deliver the CIP into future years and absorb some potential unplanned and unprogrammed CIP projects. Based on the anticipated workload, staff recommends executing professional service agreements to not exceed \$3 million per year total, with each consultant firm averaging approximately \$1 million per year with an amount not to exceed \$3 million over the three year length of the agreements as shown below:

	Year 1	Year 2	Year 3
CSG Consultants, Inc.	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Swinerton Mgt & Consulting	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
West Yost Associates, Inc.	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Total	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000

Staff will issue individual task orders for the various CIP projects and related tasks assigned to the consultant based on each firms' ability to deliver projects and within the agreement

dollar capacity allowed. On-Call contracts are structured to allow for flexibility to resource for projects in a timely manner. Consultants will work on an on-call basis with scope and cost clearly agreed upon by the City. Accordingly, all work performed under the agreements will be pursuant to individual task orders that will have a specifically defined scope and schedule that will be negotiated on a task order basis. The on-call agreements will acknowledge that the individual task orders will dictate the work done under each agreement, up to the not to exceed amount. These costs for these task orders would be charged against the various projects through their sources of funds at a task order level. There is no city obligation to expend any funds under these agreements and are only established when task orders are created.

**FISCAL IMPACT:** There are no costs in establishing these agreements. They do create a \$9,000,000 agreement capacity that will be funded by CIP Projects on a task order by task order basis. There are sufficient funds allocated in the CIP projects to cover project management costs.

**ENVIRONMENTAL IMPACT:** The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

**RECOMMENDATION:** Adopt resolution authorizing the City Manager to execute an agreement for project management services with CSG Consultants, Inc., Swinerton Management & Consulting, and West Yost Associates, Inc. in an amount not to exceed \$1,000,000 for the first year and two additional optional years at \$1,000,000 each totaling \$3,000,000 for each firm, for a total amount of \$9,000,000 for a three-year term.

**ALTERNATIVES:**

1. Do not proceed with pursuing project management services and request staff provide list of projects that will be on hold in the CIP.
2. Reduce the consultant not-to-exceed amount and number of projects to CIP project to deliver.

**ATTACHMENTS:**

1. Resolution
2. FY 2021-22 Capital Budget Project Sheets
3. List of Projects Needing Project Management Services

**RESOLUTION NO. 2022 - \_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON-CALL AGREEMENTS FOR PROJECT MANAGEMENT SERVICES WITH CSG CONSULTANTS, INC., SWINERTON MANAGEMENT & CONSULTING, AND WEST YOST ASSOCIATES, INC. IN AMOUNTS NOT TO EXCEED \$1,000,000 FOR THE FIRST YEAR AND TWO ADDITIONAL OPTIONAL YEARS AT \$1,000,000 EACH TOTALING \$3,000,000 FOR EACH FIRM, FOR A TOTAL AMOUNT OF \$9,000,000 FOR A THREE YEAR TERM**

**WHEREAS**, the City of San Bruno Public Works Department is responsible for developing, implementing and delivering the Capital Improvement Program (CIP) on a timely basis and within the approved budgets; and

**WHEREAS**, due to a rise in Consumer Price Index investing in capital improvements sooner would help with minimizing future construction costs; and

**WHEREAS**, based on the City's needs the CIP has increased significantly while the resources to implement the program have not kept pace; and

**WHEREAS**, the CIP has almost doubled within the past five years from approximately \$54 million to \$96 million and the engineering staff programed to the CIP division did not similarly increase; and

**WHEREAS**, concurrent with the expansion of the CIP, the level of private development and traffic engineering related interests has increased and CIP staff has had to dedicate resources to ensure those interests are still addressed which further reduces the capacity for delivering the CIP projects; and

**WHEREAS**, from FY 2016-17 the CIP engineering staff has had a 75% turnover rate and despite conducting two separate recruitments to fill those turnovers there continues to be an overall 32% vacancy rate within the CIP division; and

**WHEREAS**, since FY 2019-20 staff has attempted to address the backlog by reducing the CIP appropriation to allow for addressing projects on hold but given the City's infrastructure needs the CIP total appropriation continues to grow despite the approach to reduce new CIP requests where feasible; and

**WHEREAS**, the model of continuously attempting to absorb the workload of other engineering divisions and shift CIP staff resources to address other engineering needs has unfortunately contributed to staff burnout and a backlog of CIP projects; and

**WHEREAS**, as part of the upcoming FY 2022-23 budgeting process the City Council will be presented with a proposal to right size staff resources through a combination of additional staff to manage the overall consistent increase in the CIP and consultants to manage spikes in CIP deliver needs; and

**WHEREAS**, Public Works has a significant amount of infrastructure CIP projects

planned for major work during the upcoming years in the amount of approximately \$322 million in needed funds to complete through FY 2025-26; and

**WHEREAS**, currently there are 26 projects awaiting start due to the number of CIP projects that can be practicably managed by existing staff; and

**WHEREAS**, the CIP division currently has three licensed engineers managing the CIP with the fourth position vacant since 2019; and

**WHEREAS**, current staff are managing up to twelve CIP projects at one time while the typical project workload for staff focused solely on managing projects is about six at one time; and

**WHEREAS**, by utilizing a model whereby consultants are temporarily resourced to facilitate project delivery Public Works will have greater capacity to deliver CIP projects approved by Council; and

**WHEREAS**, in February 2022, the City issued a Request for Qualifications (RFQ) for multi-disciplinary professional services that included project management services; and

**WHEREAS**, based on the qualifications submitted, three firms demonstrated staffing availability and expertise to provide project management services that the Engineering division needs for effective CIP project delivery; and

**WHEREAS**, based on the anticipated workload, staff recommends executing professional service agreements with each consultant firm to not exceed a total of \$3.0M per year over the three year length of the agreements; and

**WHEREAS**, there are sufficient funds allocated in the CIP projects to cover project management costs.

**NOW, THEREFORE, BE IT RESOLVED** that the San Bruno City Council authorizes the City Manager to execute an agreement for Project Management Services with CSG Consultants, Inc., Swinerton Management & Consulting, and West Yost Associates, Inc. in an amount not to exceed \$1,000,000 for the first year and two additional optional years at \$1,000,000 each totaling \$3,000,000 for each firm, for a total amount of \$9,000,000 for a three year term.



Dated: April 26, 2022

-o0o-

I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 26th day of April 2022 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Vicky Hasha  
Deputy City Clerk

FY2021-22 adopted budget continues to delay the reinvestment of funds into the Equipment Reserve Fund until additional financial resources have been identified.

### **CAPITAL IMPROVEMENT PROGRAM**

The Capital Improvement Program (CIP) is designed to identify, plan and develop projects using a long-term vision for the community's facilities and infrastructure needs. The CIP Budget outlines work programs, project descriptions, and funding needed projects to be undertaken in the next 5-years. The CIP Budget covers a one-year period and includes adopted funding allocations to each project for work that is expected to occur during the budget year. Changes to existing projects, as well as the addition of new projects, may occur during the 5-year planning period as new needs requiring attention and allocation of resources are identified. The work program is updated every year as part of the CIP Budget development and review process.

Overall, the FY2021-22 Capital Improvement Program identifies more than 100 funded and underfunded projects/programs organized in 9 categories. \$238.2 Million in capital investment is programmed through the 5-year CIP to assure rehabilitation, replacement, and improvement of City facilities and infrastructure. \$142.4 Million of this amount is the expected cost of scheduled improvements to the City's water and wastewater systems.

The following summarizes the total capital plan for all approved capital projects over the next 5 fiscal years in each of the established project categories.

<b>Project Categories</b>	<b>Total Capital Plan</b>
<b>Water</b>	\$76,434,425
<b>Wastewater</b>	65,974,341
<b>Stormwater</b>	3,449,964
<b>CityNet Services</b>	250,000
<b>Parks</b>	8,956,615
<b>Police</b>	73,231
<b>Facilities</b>	54,642,030
<b>Streets</b>	25,281,449
<b>Technology</b>	3,160,000
<b>Total</b>	<b>\$238,222,054</b>

Many projects appearing in the CIP are scheduled for completion over a multi-year period. In each year, some projects are completed, closed out and removed from the program. A total of 13 projects in the adopted Capital Improvement Program were completed during FY2020-21. These projects have all contributed to extending the useful life of critical infrastructure and

## FY2022-26 Capital Improvement Program

Project Category	FY2021-22			Total				FY2022-26 Budget	Unfunded Priorities
	Estimated Carryover	New Request	Total Appropriations	FY2022-23	FY2023-24	FY2024-25	FY2025-26		
Water	\$ 16,826,221	\$ (2,941,796)	\$ 13,884,425	\$ 20,550,000	\$ 25,100,000	\$ 16,700,000	\$ 200,000	\$ 76,434,425	\$ -
Wastewater	15,539,232	4,975,109	20,514,341	17,100,000	14,360,000	10,500,000	3,500,000	65,974,341	-
Stormwater	1,680,681	1,769,283	3,449,964	-	-	-	-	3,449,964	-
CityNet Services	-	250,000	250,000	-	-	-	-	250,000	-
Parks	712,093	4,944,522	5,656,615	775,000	775,000	1,600,000	150,000	8,956,615	-
Police Department	73,231	-	73,231	-	-	-	-	73,231	-
Facilities	19,262,570	9,733,279	28,995,849	21,954,413	4,532,250	200,514	193,004	55,876,030	-
Street Improvements	6,473,449	6,198,000	12,671,449	8,310,000	2,950,000	750,000	600,000	25,281,449	-
Technology	340,150	619,850	960,000	1,150,000	950,000	50,000	50,000	3,160,000	-
Unfunded Priorities									501,164,999
<b>Total</b>	<b>\$ 60,907,626</b>	<b>\$ 25,548,247</b>	<b>\$ 86,455,873</b>	<b>\$ 69,839,413</b>	<b>\$ 48,667,250</b>	<b>\$ 29,800,514</b>	<b>\$ 4,693,004</b>	<b>\$ 239,456,054</b>	<b>\$ 501,164,999</b>

## II. Budget Development Process

On February 24, 2021, the Finance Department distributed the FY2021-22 Budget Manual to City Departments. Examples of these guidelines, which were presented to aid in the development of departmental budgets, are as follows:

- Maintain budgets at current levels;
- Increases that are necessary to maintain current operational levels must be justified and prioritized.
- Reserve funds are funded in the budget in accordance with City Council direction.
- All department budgets and any budget proposals for service level enhancements must be in line with the following City Council priorities:
  - Implementation of the Transit Corridor Vision to Revitalize Downtown and Commercial Corridor;
  - Assure Rehabilitation & Replacement of Critical Community Facilities and Infrastructure;
  - Grow City Revenues to Assure On-Going Fiscal Stability and Economic Vitality;
  - Continue to Strengthen Community Connections and Engagement;
  - Protect and Improve Community Aesthetics and Safety;
  - Continue Proactive Planning for the Future of San Bruno;
- All department budgets and any proposals for service level enhancements must be in line with the City Manager's Performance Goals; and
- Continue to look for opportunities for reprioritization of existing resources to better meet service delivery, efficiencies, and cost savings.

### Budget Calendar

Date	Item
February 24, 2021	Budget "Kick-off" – Instructional Manual distributed to Departments
March 12, 2021	City Council Study Session – Strategic Initiatives
March 13, 2021	City Council Study Session – Strategic Initiatives
March 29- April 9, 2021	Departmental Meetings with the Finance Department
April 19 – May 3, 2021	Departmental Meetings with the City Manager
April 24, 2021	City Council Study Session – Strategic Initiatives
May 28, 2021	City Manager's Proposed Budget to City Council
June 1, 2021	City Council Study Session – City Manager's Proposed Budget
June 8, 2021	Regular City Council Meeting – Budget Hearing 1

ATTACHMENT 3  
List of Projects Needing Project Management Services

Project Names	Estimated Project Cost	PM Cost (5%)
Ave 3-2 water and sewer main (2 projects)	\$12,500,000	\$630,000
Ave 2-3 water and sewer main (2 projects)	\$6,000,000	\$300,000
Ave 3-3 water and sewer main (2 projects)	\$10,600,000	\$530,000
Ave 3-4 water and sewer main (2 projects)	\$10,600,000	\$530,000
Ave 4-1 water and sewer (2 projects)	\$5,000,000	\$250,000
Ave 4-2 water and sewer (2 projects)	\$9,600,000	\$480,000
Earl sewer main	\$850,000	\$40,000
Rollingwood PRV	\$600,000	\$30,000
Oakmont PRV	\$600,000	\$30,000
Cunningham PRV	\$600,000	\$30,000
Commodore Tank	\$20,000,000	\$1,000,000
Cunningham Tank	\$10,000,000	\$500,000
Princeton Tank	\$4,000,000	\$200,000
Crestwood Pump Station/Force Main (2 projects)	\$6,500,000	\$330,000
Crystal Springs Utility Undergrounding Rule 20A	\$5,700,000	\$290,000
Downtown Parking Meters	\$500,000	\$30,000
Oak & Crystal Springs Intersection Improvements	\$800,000	\$40,000
2020-21 Street Reconstruction	\$4,500,000	\$230,000
SFPUC Pipeline Replacement (Stormwater)	\$450,000	\$20,000
<b>Total</b>	<b>\$109,400,000</b>	<b>\$5,490,000</b>



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** April 26, 2022

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jovan D. Grogan, City Manager

**PREPARED BY:** Qianyu Sun, Finance Director

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute an Agreement with Wells Fargo Bank N.A. for General Banking and Merchant Card Services

### **BACKGROUND:**

The City of San Bruno maintained a banking service relationship with the First National Bank of Northern California for over three decades. In 2018, Tri Counties Bank (TCB) acquired First National Bank and became the City's banking service provider after the acquisition. The City updated the banking services after TCB took over the banking relationship, however, few additional service updates have been done since. As a best practice, agencies normally meet with banking relationship managers annually to get industry update and service reevaluation.

An outside consultant, Management Partners, conducted an assessment study of Finance Department in 2021 and noted that "the City uses a small local bank, presumably in a effort to support local business. Often, local banks do not have the full range of features of large banks, including the capability for the City to earn interest on its deposits..." The study recommends the City issue an RFP for banking services.

Public agencies sometimes need to solicit banking services competitively in order to stay updated with the state-of-art banking technologies and achieve competitive pricing. To continue the Finance Department's commitment to best practices and operation efficiency, staff launched an RFP process for banking services.

### **DISCUSSION:**

The City issued an RFP for general banking and merchant card services in October 2021 and received written proposals from Tri Counties Bank, JP Morgan and Wells Fargo Bank N.A. After the proposal evaluation, staff met with all three banks via Zoom for presentations and portal demonstrations. The evaluation team includes Finance Director, Revenue Service Manager and the Accounting Manager.

Staff evaluated proposals and presentations in five criteria: executive summary, statement of qualifications, customer reference, technical proposal and pricing. The proposals submitted by J.P. Morgan and Wells Fargo were the most responsive and were very competitive in both their technical aspects and pricing. Both banks are large national banks and offer similar

services. During the presentation, Wells Fargo's online portals were more intuitive and user friendly, and their team demonstrated familiarity with Eden, the City's financial and accounting system. The bank will also provide business process reviews at no cost to the City.

#### Wells Fargo Bank N.A.

Wells Fargo Bank N. A. is a primary subsidiary of Wells Fargo & Company which was founded originally by Henry Wells and William Fargo during the California Gold Rush to provide express mail delivery and banking services. After 170 years, Wells Fargo & Company has become the third largest financial institution in the US by market capitalization. The following table illustrates key measures of Wells Fargo's financial strength as of December 31, 2021:

Measure	Amount
Market Capitalization	\$186 billion
Book Value of Equity	\$167 billion
Total Deposits	\$1,483 billion
Total Loans	\$919 billion
Total Assets	\$1,948 billion
Tier 1 Common Equity	11.35%
Tier 1 Capital Ratio	12.89%
Total Capital Ratio	15.84%
<i>Data Source: Bloomberg</i>	

Wells Fargo's government banking team consists of more than 300 banking, credit, and treasury management professionals. In total the bank serves 5,500 government customers across the US, including 949 California government customers. Wells Fargo currently has a branch & ATM within the City limits located less than a mile from City Hall, at 875 San Bruno Ave. San Bruno CA 94066. There will also be a Local Government Banking Relationship Manager assigned to the City's accounts. This professional has been with Wells Fargo 27 years and serves government entities throughout the San Francisco Bay Area.

#### Banking Services and Implementation

The City's banking service needs are made up of three major segments: general banking, corporate credit cards and merchant card services.

General banking encompasses both depository and disbursement services. The City updated general banking services with Tri Counties Bank in 2017 and significantly improved the service level. However, few updates have been implemented since that time, and the City is not benefiting from recent advancements in banking technologies.

About 46 staff members of the City hold City issued credit cards with limits ranging from \$1,000 to \$30,000. City staff currently manually processes credit card charges in Eden. Modern corporate card management systems are mobile friendly and can facilitate approval workflow and interface with the City's ERP systems.

Elavon is the City's merchant card service provider and the City relies on its payment gateways and terminals to process credit card payments. However, Elavon is not able to help

the City to pass credit card service fees on eligible charges to customers. The City currently spends approximately \$100,000 annually on fees associated with credit card transactions, not including utility and CityNet related credit card payments. One main goal for the City to solicit a new merchant card service provider was to establish online payment portals on the City's website and charge credit card service fees to customers directly. The merchant service provider will assess the fee level annually, account for collected fees and distribute payments to credit card service vendors with no City staff involvement.

Being a leading national bank, Wells Fargo Bank N.A. is able to assist the City to accomplish the goals of modernizing banking services, improving operational efficiency, and lowering operating costs. Wells Fargo offers a complimentary Business Process Review, which allows the Bank to look at the City's processes to determine where the opportunities for improvement lie.

Banking services implementation is a complicated and labor-intensive process. Finance staff will carry out extensive testing with assistance from Wells Fargo. Implementation may take from six months to a year. During the implementation, the City will retain dual banking services from both Tri Counties Bank and Wells Fargo, so that outstanding checks can clear the account. Staff also needs to notify vendors and business counterparties of the banking service change.

#### **FISCAL IMPACT:**

Based on the pro forma estimate, the banking service agreement with Wells Fargo carries a net monthly cost of \$1,600 (\$19,200 annually). As the City evaluates additional changes and enhancements to its banking services, additional services from Wells Fargo may be added in the future. Some of the additional services may result in additional cost. Banking service fees are budgeted in Finance Department and allocated to other departments and funds as a part of general administration cost allocation.

#### **ALTERNATIVES:**

1. Continue with the current banking service provider.
2. Reject staff recommendation and select a different proposal.
3. Direct staff to issue a new request for proposal for banking services.

#### **RECOMMENDATION:**

Adopt resolution authorizing the city manager to execute an agreement with Wells Fargo Bank N.A. for general banking and merchant card services. This agreement shall carry an initial term of 5 years with optional annual extensions up to a total maximum term of 10 years. After 10 years, the City will issue an RFP to solicit banking services competitively.

#### **ATTACHMENTS:**

1. Resolution

**RESOLUTION NO. 2022-\_\_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WELLS FARGO N.A FOR GENERAL BANKING AND MERCHANT CARD SERVICES**

**WHEREAS**, the City maintains the banking service relationship with a local bank, First National Bank of Northern California for over three decades. In 2018, Tri Counties Bank acquired First National Bank and became the banking service provider to the City; and

**WHEREAS**, Management Partners, during the assessment study of Finance Department in 2021, recommends the City issue an RFP for banking services; and

**WHEREAS**, public agencies sometimes need to solicit banking services competitively in order to stay updated with the state-of-the-art banking technologies and achieve competitive pricing; and

**WHEREAS**, the Finance Department issued an Request for Proposal in October 2021 and received written proposals from Tri Counties Bank, JP Morgan and Wells Fargo Bank N.A.. Staff evaluated proposals and presentations in five criteria executive summary, statement of qualifications, customer reference, technical proposal and pricing; and

**WHEREAS**, Wells Fargo Bank N. A. delivered a competitive proposal in both technical responses and pricing. Wells Fargo's team also expressed that they are familiar with Eden, the City's ERP system, and will provide business process review at "no cost" to the City; and

**WHEREAS**, staff recommends Wells Fargo Bank N.A. for its strong technical proposal and user friendly online portals; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of San Bruno authorizes the City Manager to execute an agreement with Wells Fargo Bank, N.A, for general banking and merchant card services. This agreement shall carry an initial term of 5 years with optional annual extensions up to a total maximum term of 10 years. After 10 years, the City will issue an RFP to solicit banking services competitively.

—o0o—

I hereby certify that foregoing Resolution No. 2022-\_\_\_\_\_ was introduced and adopted by the San Bruno City Council at a regular meeting on April 26, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Attest:

---

Vicky Hasha  
Deputy City Clerk





## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** April 26, 2022

**To:** Honorable Mayor and Councilmembers

**FROM:** Ryan Johansen, Chief of Police

**SUBJECT:** Waive Second Reading and Adopt Ordinance (Chapter 2.52) Regarding Police Department Acquisition and Use of Military Equipment

### BACKGROUND

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law. Subsequently, California Government Code Sections 7070, 7071, and 7072 were adopted to codify the requirements set forth in AB 481. The text of AB 481 and the above-mentioned California Government Codes are attached to this Staff Report for reference.

AB 481 requires a law enforcement agency to obtain the approval of its governing body, through the adoption of a Military Equipment Use Policy, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. AB 481 requires the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type of military equipment or amend the military equipment use policy if it determines, based on an Annual Military Equipment Report prepared by the law enforcement agency, that the military equipment does not comply with the above-described standards for approval.

California Government Code Section 7070 provides a list of types of equipment that are to be considered "Military Equipment" for purposes of compliance with AB 481 and the Government Code. While the San Bruno Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use, it does possess some types of equipment that are listed in Section 7070. Additionally, the San Bruno Police Department participates in a regional S.W.A.T. team, which possesses and utilizes additional types of equipment that qualify as "Military Equipment" according to the Government Code.

In a Special Meeting on March 1, 2022, City Council approved the Military Equipment Use Policy by motion, and also waived the first reading and introduced the new Ordinance (Chapter 2.52) Regarding Police Department Acquisition and Use of Military Equipment. In that same Special Meeting, City Council requested that Staff make efforts to publicize that the approved Military Equipment Use Policy was available for review on the Police Department's website, prior to the subsequent adoption meeting. This was accomplished through publicizing at several public meetings, as well as promotion in the City Manager's Newsletter.

In order to comply with AB 481 and the California Government Code, Staff is recommending that the City Council now waive the second reading and adopt the ordinance, to be included in Title 2, Chapter 2.52, Military Equipment Use Ordinance. A summary of the sections of the proposed ordinance is provided below.

## **DISCUSSION OF PROPOSED MILITARY EQUIPMENT USE ORDINANCE**

### Sections:

- 2.52.010 Name of Ordinance
- 2.52.020 Definitions
- 2.52.030 Military Equipment Use Policy Requirement
- 2.52.040 Use In Exigent Circumstances
- 2.52.050 Reports on the Use of Military Equipment
- 2.52.060 Severability

### Section 2.52.010 Name of Ordinance

Staff proposes an ordinance name that is consistent with the verbiage of AB 481 and the applicable California Government Codes.

### Section 2.52.020 Definitions

Where applicable Staff proposes use of the definitions that are provided in California Government Code Section 7070. This is especially important as it applies to the definition of "Military Equipment" and the definition of "Military Equipment Use Policy".

### Section 2.52.030 Military Equipment Use Policy Requirement

This Section establishes the requirement that the Police Department obtain City Council approval of a Military Equipment Use Policy, prior to engaging in certain activities pertaining to Military Equipment, in accordance with California Government Code Section 7071. This Section further establishes the requirement that the Police Department commence a process of securing City Council approval of the continued use of Military Equipment acquired prior to January 1, 2022, no later than May 1, 2022. Wherever applicable, Staff has recommended language taken directly from California

Government Code Section 7071 for this Chapter, in an effort to ensure compliance with the law.

*Section 2.52.040 Use In Exigent Circumstances*

Given the inherently unpredictable nature of providing for public safety, it is critically important that the Police Department maintain the ability to acquire and utilize equipment that could prove essential to emergency operations, even if that equipment has not previously been included in the approved Military Equipment Use Policy. In exigent circumstances, it is not feasible to convene City Council meetings to seek advance approval for the use of equipment that is needed to carry out critical operations. Staff recommends inclusion of this Section to establish the parameters for use of Military Equipment that is not included in the approved Military Equipment Use Policy, in such exigent circumstances.

Staff has recommended a relatively restrictive definition of exigent circumstances to ensure that this section is used only sparingly to facilitate the acquisition and/or use of Military Equipment that is not in the approved Military Equipment Use Policy. Exigent Circumstances is defined as, "...a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur."

Staff also recommends language in this Section that requires the Police Department to formally notify the City Council within thirty (30) days of acquiring and/or using Military Equipment pursuant to this Section, as well as to include any such occurrence in the Annual Military Equipment Report.

*Section 2.52.050 Reports on the Use of Military Equipment*

This Section establishes the requirement that the Police Department provide the City Council with an Annual Military Equipment Report, and that this report be made publicly available on the Police Department's public website. This Section also stipulates what information must be included in the Annual Military Equipment Report and establishes the requirement that the Police Department hold at least one well-publicized community engagement meeting to provide the public with the opportunity to discuss its contents. All of this is required pursuant to California Government Code Section 7072.

Where applicable, Staff has recommended language for this Section that is taken directly from California Government Code Section 7072, in an effort to ensure compliance with the law.

*Section 2.52.060 Severability*

Staff proposes standard severability language to protect the integrity of remaining Sections of this Chapter in the event that one or more sections are deemed to be invalid and/or unconstitutional.

## **FISCAL IMPACT**

None.

## **RECOMMENDATION**

Staff recommends that City Council waive second reading and adopt Ordinance (Chapter 2.52) regarding Police Department acquisition and use of Military Equipment in accordance with state law.

## **ALTERNATIVES**

1. Request additional information before adopting the Ordinance.

## **ATTACHMENTS**

1. Proposed City Ordinance Chapter 2.52
2. Text of California Assembly Bill 481 (AB 481)
3. Text of California Government Code Section 7070
4. Text of California Government Code Section 7071
5. Text of California Government Code Section 7072
6. Approved Military Equipment Use Policy

## **ORDINANCE NO. 2022-**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) TO ADD CHAPTER 2.52: MILITARY EQUIPMENT USE ORDINANCE**

**WHEREAS**, the City adopted a codification of the general ordinances of the City of San Bruno entitled the "San Bruno Municipal Code Revised and Republished December 1998" ("the Municipal Code" or "the Code") which was authorized and approved by Ordinance No. 1604 and adopted January 11, 1999, pursuant to Government Code Sections 50022.1-50022.10; and

**WHEREAS**, since that time, the Municipal Code has been regularly amended and augmented with new ordinances expanding its volume and complexity; and

**WHEREAS**, on September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law; and

**WHEREAS**, subsequently, California Government Code Sections 7070, 7071, and 7072 were adopted to codify the requirements set forth in AB 481; and

**WHEREAS**, AB 481 and California Government Code Sections 7070, 7071 and 7072 require that The City Council of the City of San Bruno approve a Military Equipment Use Policy by ordinance; and

**WHEREAS**, the amendment of Title 2 (Administration and Personnel), to add Chapter 2.52: Military Equipment Use Ordinance, is necessary to comply with the requirements of AB 481 and California Government Code Sections 7070, 7071 and 7072,

The City Council of the City of San Bruno **ORDAINS** as follows:

**SECTION 1. Recitals.** The above recitals are incorporated as though set forth in this section.

**SECTION 2. Editorial guidance.** The Code publisher will arrange definitions and other changes alphabetically to conform to the Code's current style and will, as needed, re-order numbering and lettering changes caused by these amendments. The City Clerk and the City Attorney are authorized to work with the Code Publisher to effectuate non-substantive amendments to ensure consistency as to form and style of the Code.

Further, the code publisher is directed to substitute the name of an office and/or position wherever possible rather than use a gender pronoun without further or formal amendments.

**SECTION 3.** Title 2 is amended and restated to read, as follows:

Chapter 2.52  
“MILITARY EQUIPMENT” USE ORDINANCE

Sections:

- 2.52.010 Name of Ordinance
- 2.52.020 Definitions
- 2.52.030 Military Equipment Use Policy Requirement
- 2.52.040 Use In Exigent Circumstances
- 2.52.050 Reports on the Use of Military Equipment
- 2.52.060 Severability

2.52.010 Name of Ordinance

- A. This Ordinance shall be known as the Military Equipment Use Ordinance.

2.100.020 Definitions

- A. “Military Equipment” includes all of the following (Per CA Gov. Code §7070):

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50

caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
  12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
  13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
  14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
  15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
  16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "City" means any department, agency, bureau, and/or subordinate division of the City of San Bruno.
- C. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the San Bruno Police Department.
- D. "City Council" means the governing body that is the San Bruno City Council.
- E. "Military Equipment Use Policy" means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
  2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
  3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
  4. The legal and procedural rules that govern each authorized use.
  5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.

6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

F. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

G. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

H. "Type" means each item that shares the same manufacturer model number.

#### **2.52.030 Military Equipment Use Policy Requirement**

- A. The San Bruno Police Department shall obtain approval of the City Council, by a resolution adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the City Council held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) prior to engaging in any of the following:
1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
  2. Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
  3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
  4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of San Bruno.
  5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.



6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
  7. Acquiring Military Equipment through any means not provided by this section.
- B. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the San Bruno Police Department shall commence a City Council approval process in accordance with this section. If the City Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the San Bruno Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this code.
- C. In seeking the approval of City Council, the San Bruno Police Department shall submit a proposed Military Equipment Use Policy to the City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue.
- D. The City Council shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all of the following:
1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
  2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
  3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
  4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- E. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.
- F. The City Council shall review this ordinance at least annually and vote on whether to renew it at a regular meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

**2.52.040 Use in Exigent Circumstances**

- A. Notwithstanding the provisions of this Chapter, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.
- B. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:
  - 1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
  - 2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
  - 3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

**2.52.050 Reports on the Use of Military Equipment.**

- A. The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
  - 1. A summary of how the Military Equipment was used and the purpose of its use.
  - 2. A summary of any complaints or concerns received concerning the Military Equipment.
  - 3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
  - 4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military

Equipment in the calendar year following submission of the annual Military Equipment Report.

5. The quantity possessed for each type of Military Equipment.
6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.

D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.

E. The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

**2.52.060 Severability**

- A. If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.
- B. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

**SECTION 5. CONSTITUTIONALITY; SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days from and after the date of its final passage and adoption.

**SECTION 7. PUBLICATION.** The City Clerk is directed to cause publication of this Ordinance as required by law.

---oOo---

I, Melissa Thurman, City Clerk, do hereby certify that the foregoing **Ordinance** No. \_\_\_\_\_ was introduced at a regular meeting of the San Bruno City Council on \_\_\_\_\_ and adopted by the San Bruno City Council at a regular meeting on \_\_\_\_\_, by the following vote:

AYES:            Councilmembers: \_\_\_\_\_

NOES:           Councilmembers: \_\_\_\_\_

RECUSED:      Councilmembers: \_\_\_\_\_

ABSENT:        Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
Vicky Hasha  
Deputy City Clerk

## **Assembly Bill No. 481**

### **CHAPTER 406**

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[Approved by Governor September 30, 2021. Filed with  
Secretary of State September 30, 2021.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal personal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing

additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public’s welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

SEC. 2. Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.8. FUNDING, ACQUISITION, AND USE OF MILITARY  
EQUIPMENT

7070. For purposes of this chapter, the following definitions shall apply:

(a) “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county.

(b) “Law enforcement agency” means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff’s department.

(3) A district attorney’s office.

(4) A county probation department.

(c) “Military equipment” means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) “Military equipment use policy” means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight



authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) “State agency” means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) “Type” means each item that shares the same manufacturer model number.

7071. (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of

the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications

to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

7072. (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

7073. (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

7074. The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

7075. Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would

result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

O

# Cal. Gov. Code § 7070

## Section 7070 - Definition

For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

**(9)** Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

**(10)** Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

**(11)** Any firearm or firearm accessory that is designed to launch explosive projectiles.

**(12)** "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

**(13)** Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

**(14)** The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

**(15)** Any other equipment as determined by a governing body or a state agency to require additional oversight.

**(16)** Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

**(d)** "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

**(1)** A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

**(2)** The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

**(3)** The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

**(4)** The legal and procedural rules that govern each authorized use.

**(5)** The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

**(6)** The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

**(7)** For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

**(e)** "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

**(f)** "Type" means each item that shares the same manufacturer model number.

*Ca. Gov. Code § 7070*

Added by Stats 2021 ch 406 (AB 481),s 2, eff. 1/1/2022.

---



# Cal. Gov. Code § 7071

## Section 7071 - Approval for use of military equipment

**(a)**

**(1)** A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

**(A)** Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

**(B)** Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

**(C)** Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

**(D)** Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

**(E)** Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

**(F)** Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

**(G)** Acquiring military equipment through any means not provided by this paragraph.

**(2)** No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of the military equipment until it receives the approval of the governing body in accordance with this section.

**(b)** In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing

body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

**(c)** The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

**(d)**

**(1)** The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

**(A)** The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

**(B)** The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

**(C)** If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

**(D)** Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

**(2)** In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

**(e)**

**(1)** The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

**(2)** The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

**(f)** Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

*Ca. Gov. Code § 7071*

Added by Stats 2021 ch 406 (AB 481),s 2, eff. 1/1/2022.

---



# Cal. Gov. Code § 7072

## Section 7072 - Annual military equipment report

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

*Ca. Gov. Code § 7072*

Added by Stats 2021 ch 406 (AB 481), s 2, eff. 1/1/2022.



Ryan Johansen  
Chief of Police

CITY OF SAN BRUNO  
POLICE DEPARTMENT

### **2022 San Bruno Police Department Military Equipment Use Policy**

California Government Code §7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval. This is further required by San Bruno City Ordinance 2.52.

The San Bruno Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. The San Bruno Police Department also has not acquired any equipment through military surplus programs such as the 1033 Program.

California Government Code §7070 provides a list of equipment types that are considered to be “military equipment” for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the San Bruno Police Department, or reasonably likely to be deployed in San Bruno by its law enforcement partners.

California Government Code §7070(d) describes a Military Equipment Use Policy as a publicly released, written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

California Government Code § 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the San Bruno Police Department will submit to the San Bruno City Council an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The San Bruno City Council will use the Annual Military Equipment Report as a mechanism to ensure the San Bruno Police Department's compliance with this Military Equipment Use Policy, and to help it determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year.

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

1. Via email to: [militaryequipment@sanbruno.ca.gov](mailto:militaryequipment@sanbruno.ca.gov)
2. Via phone call to: (650) 616-7100
3. Via mail sent to: San Bruno Police Department  
Attn: Military Equipment Use Coordinator  
1177 Huntington Avenue  
San Bruno, CA 94066

The San Bruno Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

The remainder this Military Equipment Use Policy is divided into two sections. Section One lists qualifying equipment that is owned and/or utilized by the San Bruno Police Department. Section Two lists qualifying equipment not previously listed in this policy, that is not owned or regularly utilized by the San Bruno Police Department, but which is known to be owned and/or utilized by the North County Regional SWAT Team, for which the San Bruno Police Department is a participating agency. While the equipment in Section Two is not purchased, owned, or maintained by the San Bruno Police Department, it could be used in the City of San Bruno if NCR SWAT is deployed, and is therefore included in this Military Equipment Use Policy. It is important to note that NCR SWAT is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high-risk search and arrest warrants. The equipment NCR SWAT possesses is rarely deployed but could prove essential to emergency operations when needed.

### Section One: Qualifying Equipment Owned/Utilized by the San Bruno Police Department

<b>Equipment Type:</b> Unmanned Aircraft Systems (UAS/Drones) – CA Gov’t Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> 1 owned	<b>Lifespan:</b> Approximately 5 years
<b>Equipment Capabilities:</b> Remotely piloted aerial vehicle capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.	
<b>Manufacturer Product Description:</b> Matrice 210: The DJI Matrice 210 is a powerful, industrial-grade flight platform with world-class agility and speed, two barometers, and redundant IMUs for maximum reliability, and new smart flight features that make capturing complex shots easy. The aircraft’s visual sensors enable enhanced hovering precision even when flying indoors or in environments where GNSS is unavailable. The drone’s new airframe design gives it an IP43 Ingress Protection Rating, in accordance with the global IEC 60529 standard. The M210/M210 RTK’s mechanical design, along with quick release landing gears and mounted folding arms, makes it easy to transport, store, and prepare for flight.	
<b>Purpose/Authorized Uses:</b> UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.	
<b>Fiscal Impacts:</b> The initial costs of equipment, licensing, software and training was approximately \$40,000 which was funded with Equitable Sharing Asset Forfeiture Funds. Ongoing cost associated with UAS operation and maintenance is estimated to be approximately \$15,000 per year total, for this and the other two UAS/Drones combined.	
<b>Legal/Procedural Rules Governing Use:</b> Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.	
<b>Training Required:</b> Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.	
<b>Other Notes:</b> None.	



<b>Equipment Type:</b> Unmanned Aircraft Systems (UAS/Drones) – CA Gov’t Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> 2 owned	<b>Lifespan:</b> Approximately 5 years
<b>Equipment Capabilities:</b> Remotely piloted aerial vehicles capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR) and optical zoom lenses.	
<b>Manufacturer Product Description:</b> Mavic II Enterprise: The DJI Mavic II Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12 megapixel photos that support up to 6x FHD zoom. DJI signature technologies such as Obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Additional features like the built in AirSense make you aware of your surrounding airspace, and password protection helps you maintain secure access to your aircraft and protect your data. The Mavic II Enterprise also has attachable modular accessories like the M2E spotlight, M2E Beacon, and M2E Speaker that are purpose built for various applications. The Mavic II Enterprise boasts a maximum flight speed of 44.7 mph and a maximum flight time of 31 minutes.	
<b>Purpose/Authorized Uses:</b> UAS/Drones may be utilized to enhance the Department’s mission of protecting lives and property when other means and resources are not available or are less effective. Uses may include but are not limited to: search and rescue; suspect apprehension; crime scene documentation; tactical operations; scene security; hazard monitoring, identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance.	
<b>Fiscal Impacts:</b> The initial costs of equipment, licensing, software and training was approximately \$30,000 which was funded with Equitable Sharing Asset Forfeiture Funds. Ongoing cost associated with UAS operation and maintenance is estimated to be approximately \$15,000 per year total, for this and the other two UAS/Drones combined.	
<b>Legal/Procedural Rules Governing Use:</b> Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.	
<b>Training Required:</b> Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete all training required by our FAA COA.	
<b>Other Notes:</b> None.	

<b>Equipment Name:</b> 5.56mm Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 18 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The Colt AR15A3 semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
<b>Manufacturer Product Description:</b> The Colt AR15A3 features a gas operated semi-auto firing system chambered in 223 Remington/5.56 NATO with a barrel length of 16.1". The rifle is outfitted with carbine length Magpul railed forend	
<p><b>Purpose/Authorized Uses:</b> Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When an officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<b>Fiscal Impacts:</b> The initial cost of equipment was approximately \$33,282. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Firearms.	
<b>Training Required:</b> Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
<b>Other Notes:</b> These rifles are already well beyond their serviceable lifespan and are in the process of being replaced by the Daniels Defense rifles listed later in this policy. Until we receive shipment of the new rifles, we will continue to use these.	

<b>Equipment Name:</b> 5.56mm Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 7 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The Colt M4 semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
<b>Manufacturer Product Description:</b> The Colt M4 Magpul Carbine features a gas operated semi-auto firing system chambered in 223 Remington/5.56 NATO with a barrel length of 16.1". The rifle is outfitted with carbine length Magpul MOE stock and railed forend	
<p><b>Purpose/Authorized Uses:</b> Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When an officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<b>Fiscal Impacts:</b> The initial cost of equipment was approximately \$12,943. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Firearms.	
<b>Training Required:</b> Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
<b>Other Notes:</b> These rifles are already well beyond their serviceable lifespan and are in the process of being replaced by the Daniels Defense rifles listed later in this policy. Until we receive shipment of the new rifles, we will continue to use these.	

<b>Equipment Type:</b> Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 53 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The Daniel Defense MK18 semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
<b>Manufacturer Product Description:</b> The Daniel Defense MK18 features the railed forend Daniel Defense currently provides to USSOCOM, and a 10.3" Cold Hammer Forged Barrel. The MK18 rail system features the patented bolt-up attachment system and has been rigorously tested prior to fielding by USSOCOM. The MK18 SBR by Daniel Defense is unmatched in size, weight, and performance.	
<p><b>Purpose/Authorized Uses:</b> Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When an officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<b>Fiscal Impacts:</b> The initial cost of equipment was approximately \$168,000. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Firearms.	
<b>Training Required:</b> Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
<b>Other Notes:</b> These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency. We have not yet received shipment of these recently purchased rifles, but we are expecting to do so in May 2022, and which point these rifles will replace the two types of Colt rifles previously listed in this policy.	

<b>Equipment Type:</b> Semiautomatic Rifle and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 1 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The Bushmaster AR-10 Sniper Rifle is capable of firing a 7.62mm projectile bullet.	
<b>Manufacturer Product Description:</b> Bushmaster MOE 308 Semi-automatic .308 Winchester/7.62 NATO AR-10 Rifle. <ol style="list-style-type: none"> <li>1. 16" heavy profile barrel</li> <li>2. Magpul MOE Hand Guard, accepts rail sections (carbine, mid-length or rifle-length)</li> <li>3. Magpul MBUS rear flip sight</li> <li>4. Magpul MOE pistol grip, accepts MIAD storage cores</li> <li>5. Magpul MOE vertical grip</li> <li>6. Magpul enhanced trigger guard</li> <li>7. Magpul MOE adjustable stock with strong A-design and rubber butt pad</li> <li>8. Mid-length gas system for smoother recoil</li> </ol>	
<b>Purpose/Authorized Uses:</b> This rifle is authorized for use by a Sniper-trained, SWAT Operator only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to: <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When the officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<b>Fiscal Impacts:</b> This equipment was donated to the San Bruno Police Department at no cost. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Firearms.	
<b>Training Required:</b> In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy.	
<b>Other Notes:</b> The San Bruno Police Department does not presently have a SWAT Sniper among its staff, so there are no San Bruno Police personnel presently authorized to use this Military Equipment.	

<b>Equipment Type:</b> Mobile Command Vehicle - CA Gov't Code §7070(c)(5)	
<b>Quantity Owned/Sought:</b> 1 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The Mobile Command Vehicle (MCV) provides mobile, remote access to radio, internet, planning and other resources to assist with management of major incidents and planned operations.	
<b>Manufacturer Product Description:</b> Not applicable as this unit is custom built onto an ambulance vehicle platform.	
<b>Purpose/Authorized Uses:</b> The MCV can be deployed anytime first responders determine that it would be beneficial to operations being conducted.	
<b>Fiscal Impacts:</b> The initial cost of this unit, outfitting, and all peripheral equipment was approximately \$350,000, which was funded by a grant from the San Bruno Community Foundation and Google/YouTube. Ongoing costs to maintain the MCV and replace failing equipment is approximately \$5,000/year.	
<b>Legal/Procedural Rules Governing Use:</b> Not applicable.	
<b>Training Required:</b> Not applicable.	
<b>Other Notes:</b> The MCV is not a tactical vehicle, meaning that it is not armored in any way and does not include any weapon elements. The MCV is simply an ambulance reconfigured with radios, computers, smart screens and other peripherals to facilitate field command.	

<b>Equipment Type:</b> 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)	
<b>Quantity Owned/Sought:</b> 16 owned	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles.	
<b>Manufacturer Product Description:</b> Penn Arms 40MM launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum and DuPont super tough glass filled nylon. These launchers are light weight, versatile and used worldwide by police and corrections officers. The 40MM launcher family of products is available in single-shot, spring-advance multi, and pump-advance multi-versions.	
<b>Purpose/Authorized Uses:</b> The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option.	
<b>Fiscal Impacts:</b> The initial cost of this equipment was approximately \$26,000. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Crowd Control.	
<b>Training Required:</b> Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.	
<b>Other Notes:</b> None.	

**Section Two: Qualifying equipment not already listed in this policy, which is known to be owned and/or utilized by the North County Regional SWAT Team, for which the San Bruno Police Department is a participating agency**

<b>Equipment Type:</b> Unmanned, remotely piloted, powered ground vehicles - CA Gov't Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> 2 Drones / 4 Robots (Not owned by SBPD)	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.	
<b>Manufacturer Product Description:</b> Unavailable as this equipment is not owned by the San Bruno Police Department.	
<b>Purpose/Authorized Uses:</b> To enhance the safety of potentially dangerous situations by providing first responders with the ability to capture video and still images of hazardous areas prior to, or in lieu of, sending in personnel.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to pilot these vehicles.	
<b>Other Notes:</b> None.	



<b>Equipment Type:</b> Mine Resistant Ambush Protected Vehicles (MRAP) - CA Gov't Code §7070(c)(2)	
<b>Quantity Owned/Sought:</b> 1 (Not owned by SBPD)	<b>Lifespan:</b> Unknown
<b>Equipment Capabilities:</b> Capable of transporting personnel and equipment while providing them with armored protection from gunfire.	
<b>Manufacturer Product Description:</b> Unavailable as this equipment is not owned by the San Bruno Police Department.	
<b>Purpose/Authorized Uses:</b> To move personnel and/or resources in support of tactical operations in which there is reason to expect potential armed resistance requiring protection.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> The MRAP can be deployed any time tactical operators determine that there is a need to move personnel and/or resources into areas in which they have reason to expect potential armed resistance requiring its protection.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive MRAP vehicles.	
<b>Other Notes:</b> None.	

<b>Equipment Type:</b> Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)	
<b>Quantity Owned/Sought:</b> 1 (Not owned by SBPD)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, and other points of entry.	
<b>Manufacturer Product Description:</b> Unavailable as this equipment is not owned by the San Bruno Police Department.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, and other points of entry.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive breaching vehicles.	
<b>Other Notes:</b> None.	

<b>Equipment Type:</b> Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
<b>Quantity Owned/Sought:</b> 0 (Not owned by SBPD)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, windows, and other points of entry.	
<b>Manufacturer Product Description:</b> Unavailable as this equipment is not owned by the San Bruno Police Department.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, windows, and other points of entry.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use explosive breaching apparatus.	
<b>Other Notes:</b> None.	

<b>Equipment Type:</b> AR-15 Style Semiautomatic Rifle and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 60 (not owned by SBPD)	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The AR15 style firearm can fire a .223, .556, .308 or .300 caliber projectile accurately at over 100 yards.	
<b>Manufacturer Product Description:</b> The AR15 style firearm features M-LOK attachment technology with the Daniel Defense MFR 15.0 rail. Built around a Cold Hammer Forged, 16 inch barrel, the V7 has a DD improved Flash Suppressor to reduce flash signature. The mid-length gas system provides smooth and reliable cycling under any condition and reduces both perceived recoil and wear on moving parts. With the M-LOK attachment points that run along 7 positions and an uninterrupted 1913 Picatinny rail on top, the V7 has plenty of room for the sights, optics, and accessories the user may require. The independently ambi GRIP-N-RIP Charging Handle accommodates left- and right-handed shooters. This rifle also comes with the ergonomic Daniel Defense Buttstock and Pistol Grip.	
<p><b>Purpose/Authorized Uses:</b> Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When an officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various San Bruno Police Department Policies on Use of Force and Firearms.	
<b>Training Required:</b> In addition to patrol rifle and standard SWAT Operator training, SWAT Operators must successfully complete a CA POST certified SWAT course as well as regular SWAT training and qualifications as required by law and policy.	
<b>Other Notes:</b> None.	

<b>Equipment Type:</b> Flashbang grenades, explosive breaching tools, tear gas and pepper balls - CA Gov't Code §7070(c)(12)	
<b>Quantity Owned/Sought:</b> 20 (Not owned by SBPD)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.	
<b>Manufacturer Product Description:</b> Unavailable as this equipment is not owned by the San Bruno Police Department.	
<b>Purpose/Authorized Uses:</b> breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. Tear gas and pepper balls can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
<b>Other Notes:</b> None.	

<b>Equipment Type:</b> Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)	
<b>Quantity Owned/Sought:</b> 1 (Not owned by SBPD)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
<b>Manufacturer Product Description:</b> Unavailable as this equipment is not owned by the San Bruno Police Department.	
<b>Purpose/Authorized Uses:</b> Can be used to disperse unlawful crowds (with required notice and compliance times) and/or to disrupt the activities of person(s) who represent an immediate threat to others.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
<b>Other Notes:</b> None.	